# A GUIDE TO LEGISLATION AFFECTING EXPLORATION AND MINING IN THE NORTHWEST TERRITORIES

November, 1991

DEPARTMENT OF ENERGY, MINES AND PETROLEUM RESOURCES
GOVERNMENT OF THE NORTHWEST TERRITORIES

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Guide to Legislation Affecting Exploration and Mining in the Northwest Territories

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November, 1991

DEPARTMENT OF ENERGY, MINES AND PETROLEUM RESOURCES
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This guide provides summaries of legislation and regulations governing mining and exploration companies operating in the Northwest Territories. It is envisaged that these legal requirements will change through the ongoing process of revised environmental protection legislation, devolution and the settlement of Native Land Claims.

The guide has been prepared as an information item only. It is a compilation of relevant Acts and Regulations that is not necessarily exhaustive nor completely accurate. References to, and descriptions of specific legislation represent one possible interpretation or application of the law. In all cases, it is incumbent upon the reader of the guide to obtain independent legal counsel and refer directly to the legislation in question.

**Any opinions expressed in this document do not necessarily reflect the views of the Government of the Northwest Territories.**

Department of Energy, Mines and Petroleum Resources - November, 1991

# ACKNOWLEDGEMENTS

The Department of Energy, Mines and Petroleum Resources wishes to recognize and thank representatives from all federal and territorial departments who provided constructive criticism on the overall structure of this Guide to Legislation and on the content of summaries relevant to the statutes they administer.

Department of Energy, Mines and Petroleum Resources - November, 1991

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# 1. INTRODUCTION

## OVERVIEW

The Guide has been designed to familiarize government agencies, mining companies, and other organizations and individuals with legislation affecting mining and mineral exploration in the Northwest Territories. For detailed description of a requirement, the reader should contact the relevant agency or individual listed, or refer to the statutes and regulations directly.

The purpose of this guide is to:

- provide a concise reference guide to relevant legislation;
- allow easy reference to statutes having direct impact on mining issues;
- provide a description of statutes and requirements of each Department or Agency;
- describe legal requirements as they affect each phase of mining operations and development; and
- provide a listing of key positions and agencies to contact for further information on selected key issues.

Section 2; Key Topics, and Section 4; Licences, Permits, and Requirements provide a quick references to Acts, Regulations and contacts that relate to broad areas of concern to exploration and mining.

Section 3; Key Contacts, and Sections 5 and 6; Federal and Territorial Statutes, provide a complete listing of key positions that administer requirements and detailed descriptions of Acts and Regulations.

## INTRODUCTION TO RULES AND APPLICATION OF THE LAW

In Canada, law is formulated through a twofold process: by legislation and judicial interpretation. Before any statute has the authority of law, it must be passed by the appropriate law-making body and receive Assent. At the federal level, statutes are passed by the House of Commons and the Senate. At the territorial level, statutes are passed by the Legislative Assembly.

It is common for a statute to delegate law-making authority to a certain body, usually the Cabinet, but often a Minister or government agency. A statute frequently deals with a particular matter in general terms and gives the Cabinet power to stipulate specific technical provisions, known as regulations. A regulation is a specific law that applies to all relevant situations, whereas a guideline is not a specific law but a statement indicating the practices which are considered to be in compliance with the spirit of the law. Regulations and guidelines may be either administrative or technical in subject matter. Regulations are brought into force in a manner, which does not require passage by the Legislative Assembly or House of Commons. This arrangement facilitates quick legislative action on technical subjects when the Legislature lacks the time or expertise to deal with them effectively and efficiently.

## DIVISION OF POWERS CONCERNING MINING

The Constitution Acts are the main documents in which the Canadian constitution is contained. Under the Constitution Acts, 1867, 1871 authority over lands (and therefore mineral resources) within territorial boundaries rest ultimately with the Federal government, although authority can be devolved to a territorial government. Thus, most laws and regulations applicable to direct control over mineral resources in the Northwest Territories are those of the Federal government.

The Federal government controls most of the lands (~96%) and resources in the NWT; authority over the management and sale of these lands has not been devolved. Therefore most activities related to mineral exploration and development require federal permits or licenses. The Government of the Northwest Territories (GNWT), through the Legislative Assembly, exercises its legislative powers over some operational, safety and conservation measures but the GNWT has very limited proprietary rights over lands and resources.

The Legislative Assembly does have legislative powers over private property and Commissioner's lands. Commissioner's lands, transferred by Federal Orders-in-Council, to the control of the GNWT, comprise less than one percent of the NWT and are situated in and around the communities. Ordinarily, the lands are not transferred in full fee-simple tile; only the surface rights are transferred.

The remaining three percent of lands in the NWT are within the Inuvialuit Settlement Region. Through the Inuvialuit Final Agreement enacted by the federal Western Arctic (Inuvialuit) Claims Settlement Act, a 450,000 $km^2$ Settlement Region has been created. The Settlement Region includes the Inuvialuit Settlement Lands where the Inuvialuit own the surface and subsurface rights for 13,000 $km^2$ of land and the surface rights and rights to granular materials for 78,000 $km^2$ of land. The Department of Indian Affairs and Northern Development (DIAND) no longer issues land use permits, disposes of lands or issues rights for the Inuvialuit Settlement Lands. However, the federal government still manages water throughout the entire region.

Management of the environment is a complicated issue. Despite those powers devolved to the GNWT, such as control over wildlife and forests, the Federal government still retains direct control of use of most of the land and water as well as retaining the ultimate right to legislate for all matters, even in those areas that have been devolved. This can lead to an overlap of legislation of which mining companies should be aware.

# 2. KEY TOPICS

Department of Energy, Mines and Petroleum Resources - November 1991

## KEY TOPICS

The tables on the following pages are organized into the following broad topic areas by federal and territorial legislation to provide a quick and easy reference to statutes relating to common issues and problems:

| | |
|---|---|
| Administration | • taxes<br>• licences<br>• statistical returns |
| Prospecting, Exploration and Mining | • pits and quarries<br>• uranium and thorium |
| Environmental Concerns | • effluent limits<br>• pollution controls |
| Health and Safety | • employee safety<br>• sanitary standards |
| Construction and Operations | • machinery and equipment<br>• site improvements and construction |
| Business Related Legislation | • management advice<br>• companies and corporations |
| Restricted Areas | • Indian lands<br>• forest and parks<br>• river systems |
| Transportation | • restrictions<br>• licences and permits |
| Labour/Employment/Training | • labour standards<br>• employment practices |
| Miscellaneous Legislation | |

For each topic category, relevant statues and pertinent regulations, the administering government agency and a key contact position are listed. The tables reference sections of the Guide that provide greater detail.

# FEDERAL KEY TOPICS

Department of Energy, Mines and Petroleum Resources - November 1991

## ADMINISTRATION - FEDERAL LEGISLATION

2.1.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| RESOURCES AND TECHNICAL SURVEYS ACT (5.5) | | outlines responsibilities of the Minister for collection and publication of statistics on mining activity and the production of technical surveys of mineral resources | EMR Canada | Deputy Minister (613) 992-3456 | 580 Booth Street Ottawa, Ontario K1A 0E4 |
| INVESTMENT CANADA ACT (5.12) | | control and regulation of foreign investment in Canada | Investment Canada | President (613) 995-9601 | Box 2800 Station D Ottawa, Ontario K1P 6A5 |
| TERRITORIAL LANDS ACT (5.13) | Canada Mining Regulations (5.13.6) | recording of claims, licences, assessment work and annual statistical returns | DIAND | Chief Mining Recorder (403) 920-8235 | Box 1500 Yellowknife, NWT X1A 2R3 |
| NORTHWEST TERRITORIES ACT (5.16) | | confers legislative authority on the GNWT | | Minister (819) 997-0002 | 10 Wellington Street Hull, Quebec K1A 0H4 |
| | Archaeological Sites Regulations (5.15.2) | protects archaeological sites and prohibits excavation, removal, or collection of archaeological specimens except under permit | Prince of Wales Northern Heritage Centre for DIAND | Senior Archaeologist (403) 920-8639 | Box 1320 Yellowknife, NWT X1A 2L9 |
| PUBLIC LANDS GRANTS ACT | | concerns grants of public lands | DIAND | Regional Manager Land Resources (403) 920-8165 | Box 1500, Yellowknife, NWT X1A 2R3 |
| CANADA INCOME TAX ACT | | federal taxation on corporate income | Revenue Canada | Regional Director (403) 420-3487 | Federal Public Bldg. 9820 - 107 Street Edmonton, Alberta T5K 1E8 |

## ADMINISTRATION - FEDERAL LEGISLATION 2.1.2

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| CUSTOMS ACT | | regulations, restrictions and duties on exports and imports | Revenue Canada | Deputy Minister Customs & Excise (613) 957-8506 | Connaught Building MacKenzie Avenue Ottawa, Ontario K1A 0L5 |
| EXPORT & IMPORT PERMITS ACT | | control of export/import of strategic goods for reasons of national security or to implement an intergovernmental arrangement | External Affairs Canada | Office of the Secretary of State (613) 995-1851 | Lester B. Pearson Building 125 Sussex Drive Ottawa, Ontario K1A 0G2 |

# FEDERAL PROSPECTING, EXPLORATION & MINING LEGISLATION 2.2.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| TERRITORIAL LANDS ACT (5.13) | Canada Mining Regulations (5.13.6) | regulates the administration and mineral disposition of minerals belonging to the Crown | DIAND | Chief Mining Recorder (403) 920-8235 | Box 1500 Yellowknife, NWT X1A 2R3 |
| | Territorial Coal Regulations (5.13.10) | three year exploration licence for up to 21 years through Mining Recorders' Office | | | |
| | Territorial Dredging Regulations (5.13.11) | dredging rights for minerals in submerged river beds | | | |
| | Territorial Quarrying Regulations (5.13.9) | permits for quarrying sand, gravel, stone, topsoil | | Regional Manager Land Resources (403) 920-8165 | |
| | Territorial Lands Regulations (5.13.3) | establishes tenure for long term land use | | | |
| | Territorial Land-Use Regulations (5.13.4) | permits for land uses and land based operations | | | |
| ATOMIC ENERGY CONTROL ACT (5.2) | Atomic Energy Control Regulations | controls mining, processing, development and sale of uranium and thorium<br><br>permits and approvals requested for exploration, development, ore removal and operations | AECB | Manager Uranium Facilities Division (613) 995-3161 | Box 1046 Ottawa, Ontario K1P 5S9 |

# FEDERAL ENVIRONMENTAL LEGISLATION

2.3.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| NORTHERN INLAND WATERS ACT (5.17) | Northern Inland Waters Regulations | licenses for water uses and disposal | NWT Water Board | Chairman<br>(403) 920-8191 | Box 1500<br>Yellowknife, NWT<br>X1A 2R3 |
| ARCTIC WATERS POLLUTION PREVENTION ACT (5.19) | Arctic Waters Pollution Prevention Regulations | waste and effluent disposal in arctic waters<br><br>review and approve plans and specifications for installations in Arctic Waters that could be a pollution source | DIAND | Supervisor, Water Resources Division<br>Renewable Resources & Environment<br>(403) 920-8250 | Box 1500<br>Yellowknife, NWT<br>X1A 2R3 |
| | Arctic Shipping Pollution Prevention Regulations | controls waste disposal by ships and ship navigation in Arctic waters, standards for ship design, construction, machinery, equipment and operation | Transport Canada | Canadian Coast Guard<br>District Manager<br>(403) 874-5500 | Box 5002<br>Hay River, NWT<br>X0E 0R0 |
| | Pollutant Substances Regulations | prohibits discharge of materials toxic and bio-accumulative to marine life, mandatory reporting of discharges | | A/Deputy Minister<br>Marine<br>(613) 998-1571 | Tower C<br>330 Sparks St.<br>Place de Ville,<br>Ottawa, Ontario<br>K1A 0N5 |
| FISHERIES ACT (5.11) | Fish Health Protection Regulations<br><br>Fishways Obstruction Removal Regulations<br><br>Walrus Protection Regulations<br><br>Narwhal Protection Regulations<br><br>Beluga Protection Regulations | regulates effluents, including tailings | Fisheries and Oceans | Area Manager<br>NWT Fisheries and Habitat Management<br>(403) 920-6640 | Box 2310<br>Yellowknife, NWT<br>X1A 2P7 |

# FEDERAL ENVIRONMENTAL LEGISLATION

2.3.2

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| FISHERIES ACT (5.11) | Metal Mining Liquid Effluent Regulations | to protect aquatic life from discharge of deleterious substances from mines<br><br>prohibits the deposit of deleterious substances in waters frequented by fish | Environment Canada EPS Regional Office | Chief, Environmental Quality Division, (403) 873-3456 | Box 370 Yellowknife, NWT X1A 2N3 |
| NAVIGABLE WATERS PROTECTION ACT (5.20) | | approval of works constructed in navigable waters | Transport Canada Canadian Coast Guard | Senior Navigable Waters Officer (604) 984-3731 | 224 W Esplanade North Vancouver, BC V7M 3J7 |
| ENVIRONMENTAL ASSESSMENT REVIEW PROCESS GUIDELINES ORDER (5.7) | | requires that the environmental consequences of all federal projects and activities are assessed before final decisions are taken | FEARO | Director (604) 666-2431 | 510-750 Cambie St. Vancouver, B.C. V6B 2P2 |
| CANADIAN ENVIRONMENTAL PROTECTION ACT (CEPA) (5.6) | | replaces Clean Air Act, Canadian Waters Act, Environmental Contaminants Act and Ocean Dumping Control Act provides protection to the environment and human health regulates management of PCB's | Environment Canada - EPS | Chief, Environmental Quality Division (403) 873-3456 | P.O. Box 370 Yellowknife, NWT X1A 2N3 |

# FEDERAL HEALTH AND SAFETY LEGISLATION

2.4.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| CANADA LABOUR CODE | Canada Noise Control Regulations<br>Canada Sanitation Regulations | set standards for workers' safety | Labour Canada | Director<br>Western Region<br>(604) 666-6001 | 800 Burrard Street<br>Suite 1600<br>Vancouver, BC<br>V6Z 2G7 |
| EXPLOSIVES ACT (5.4) | Explosive Regulations | regulates packaging, transportation, importation and sale of explosives | EMR | Senior Inspector<br>Explosive Division<br>(403) 292-4766 | 630-4th Ave SW<br>Calgary, Alberta<br>T2P 0J9 |

## FEDERAL CONSTRUCTION AND OPERATIONS LEGISLATION 2.5.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| CANADA LAND SURVEYS ACT | | governs specifications concerning methods of survey, accuracy, stakes and plans of survey relating to all legal surveys of federal Crown land | EMR | Regional Surveyor<br>Legal Surveys Division<br>(403) 920-8295 | Box 668<br>Yellowknife, NWT<br>X1A 2N5 |

# FEDERAL BUSINESS-RELATED LEGISLATION 2.6.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| INDIAN ECONOMIC DEVELOPMENT FUND | | management advice to businesses giving economic benefits to Indian people | DIAND | Regional Director I&I (403) 920-8283 | Box 2760 Yellowknife, NWT X1A 1R6 |
| INDUSTRIAL BENEFITS TO CANADA PROGRAM | | ensures maximum industrial benefits to Canada | Department of Industry, Science and Technology Canada | Director General Aerospace, Defence and Industrial Benefits (613) 954-3422 | 235 Queen Street Ottawa, Ontario K1A 0H5 |
| CANADA CORPORATIONS ACT | | regulates the formation and general practices of corporations operating in Canada including powers, shareholders' rights, officers and record keeping<br><br>revise and reform law applicable to business corporations<br><br>advances uniformity of business corporation law<br><br>allows orderly transference of certain Federal companies incorporated under various Acts of Parliament to this Act | Consumer and Corporate Affairs - Canada | Deputy Registrar General (819) 997-2683 | Place du Portage 50 Victoria Street Hull, Quebec K1A 0C9 |
| COMBINES INVESTIGATION ACT | | provides for investigation of combines, monopolies, trust and mergers | | | |
| CORPORATIONS AND LABOUR UNIONS RETURNS ACT | | requires the reporting of financial and other statistics relating to the affairs of corporations and labour unions carrying on activities in Canada | | | |

# FEDERAL RESTRICTED AREAS LEGISLATION

2.7.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| MIGRATORY BIRDS CONVENTION ACT (5.8) | - Migratory Bird Sanctuary Regulations<br>- Migratory Birds Regulations | - land-use in bird sanctuaries<br>- protects migratory birds and their habitats | Environment Canada | Manager<br>Northern Operations<br>Canadian Wildlife Service<br>(403) 920-8531 | Box 637<br>Yellowknife, NWT<br>X1A 2N5 |
| CANADA WILDLIFE ACT (5.10) | - National Wildlife Area Regulations | - land-use in wildlife areas<br>- regulates federal/territorial co-operation in conservation interpretation and research concerning wildlife | | | |
| WESTERN ARCTIC (INUVIALUIT) LAND CLAIMS SETTLEMENT ACT (5.15) | | - comprehensive land claim settlements of the Western Arctic<br>- establishes screening and review process for Settlement Region | DIAND | Senior Policy Advisor,<br>Western Arctic Claim Implementation Secretariat<br>(819) 997-8267 | Terrasses de la Chaudiere<br>10 Wellington Street, N. Tower,<br>Hull, Quebec<br>K1A 0H4 |
| TERRITORIAL LANDS ACT (5.13) | Caribou Protection Measures | appended to land-use permits to prevent conflict between caribou and land use activities in calving grounds, post calving areas, water crossing and along migration route to calving ground | | Regional Manager<br>Land Resources Division<br>(403) 920-8165 | Box 1500<br>Yellowknife, NWT<br>X1A 2R3 |
| NATIONAL PARKS ACT (5.9) | | - prohibits non-renewable resource development on parks lands<br>- protects representative and exceptional examples of terrestrial and marine ecosystems in a natural state | Environment Canada | Canadian Parks Service<br>(403) 873-8477 | Box 1186<br>Yellowknife, NWT<br>X1A 2N8 |
| HISTORIC SITES AND MONUMENTS ACT | | - permits required to remove historical resources<br>- restrictions on access | | Subarctic History Advisor<br>Canadian Parks Service<br>(403)873-8477 | Box 1186<br>Yellowknife, NWT<br>X1A 2N8 |

# FEDERAL RESTRICTED AREAS LEGISLATION 2.7.2

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| INDIAN ACT (5.14) | | regulates access to Indian Lands and development of mineral resources on these lands | DIAND | Regional Director<br>I&I<br>(403) 920-8283 | Box 2760<br>Yellowknife, NWT<br>X1A 1R6 |
| INTERNATIONAL RIVER IMPROVEMENTS ACT | | prohibits construction, operation or maintenance of work which alters the natural flow of an international river without licence | Environment Canada - EPS | Chief, Environmental Quality Division<br>(403) 873-3456 | P.O. Box 370<br>Yellowknife, NWT<br>X1A 2N3 |
| INTERNATIONAL BOUNDARY WATERS TREATY ACT | | no obstructions or diversions of boundary waters affecting the natural level or flow shall be made without approval from International Joint Commission | External Affairs Canada | Office of the Secretary of State for External Affairs<br>(613) 995-1851 | Lester B. Pearson Building<br>125 Sussex Drive<br>Ottawa, Ontario<br>K1A 0G2 |

# FEDERAL TRANSPORTATION LEGISLATION

2.8.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| ARCTIC WATERS POLLUTION PREVENTION ACT (5.19) | | regulates development and shipping in arctic waters<br><br>establishment of shipping safety control zones | Ministry of Transport (Arctic Shipping)<br><br>DIAND (non-shipping)<br><br>EMR (shipping in Hudson Bay) | Assistant Deputy Minister<br>Canadian Marine Transportation Administration<br>(613) 998-1571 | Tower. A, Place de Ville<br>Ottawa, Ontario<br>K1A 0N7 |
| TRANSPORTATION OF DANGEROUS GOODS ACT (5.18) | | promotes public safety when shipping dangerous goods by any mode of transport | Transport Canada | Regional Manager<br>(204) 983-5969 | 391 York Ave., Rm. 305<br>Winnipeg, Manitoba<br>R3C 0P4 |
| CANADA SHIPPING ACT | | concerns loading and unloading standards<br><br>regulates marine operations in the Mackenzie River system | | Assistant Deputy Minister<br>Canadian Marine Transportation Administration<br>(613) 998-1571 | Tower A, Place de Ville<br>Ottawa, Ontario<br>K1A 0N7 |
| WESTERN ARCTIC (INUVIALUIT) LAND CLAIMS SETTLEMENT ACT (5.15) | | Developers must enter agreement with Inuvialuit for right-of-way or access to Inuvialuit Lands | DIAND | Senior Policy Advisor<br>Western Arctic Claim Implementation Secretariat<br>(819) 997-8267 | Terrasses de la Chaudiere<br>10 Wellington Street<br>North Tower<br>Hull, Quebec<br>K1A 0H4 |
| FISHERIES ACT (5.11) | | approval of plans and specifications for works that would harm fish or damage fish habitats | Fisheries & Oceans | Director General<br>Central & Arctic Region<br>(204) 949-5117 | 501 University Cres.<br>Winnipeg, Manitoba<br>R3T 2N6 |

# FEDERAL TRANSPORTATION LEGISLATION 2.8.2

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| GOVERNMENT HARBOURS ACT | | control and management of public harbours and piers | Ministry of Transport - Canada | Director General Harbours and Ports Directorate (613) 990-3014 | Tower A, Place de Ville Ottawa, Ontario K1A 0N7 |
| NATIONAL TRANSPORTATION ACT | | concerns licenses "for hire" carriers - rail, air, water, interprovincial road vehicles, commodity pipelines and telecommunications | Canadian Transport Commission - Air, Water, Rail, Road | Office of the Minister of Transport (613) 996-7501 | Transport Canada Bldg. Place de Ville Ottawa, Ontario K1A 0N8 |
| NAVIGABLE WATERS PROTECTION ACT (5.20) | | concerns approval for works constructed in navigable waters | Ministry of Transport | Asst. Deputy Minister Policy & Co-ordination (613) 998-1880 | Place de Ville 330 Sparks St. Ottawa, Ontario K1A 0N8 |
| AERONAUTICS ACT | | require pilots and navigators to meet certain safety standards, regulates construction and operation of public aerodromes, and aircraft operation | | Director General Aviation Regulation (613) 990-1322 | Place de Ville 330 Sparks St. Ottawa, Ontario K1A 0N8 |
| TRANSPORT ACT | | ship licence (for Mackenzie River trade) | | Assistant Deputy Minister Policy & Co-ordination (613) 998-1880 | Place de Ville 330 Sparks St. Ottawa, Ontario K1A 0N8 |
| RAILWAY ACT | | regulates construction and operation of railways | | Chairman - CNR (514) 399-5430 | 935 de Lagauchetiere W. Box 8100 Montreal, Quebec H3C 3N4 |

# FEDERAL LABOUR/EMPLOYMENT/TRAINING LEGISLATION 2.9.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| CANADA LABOUR CODE | Canada Labour Standards Regulations | prohibits discriminatory hiring and employment practices | Labour Canada | Director<br>Western Region<br>(604) 666-6001 | 800 Burrard Street<br>Suite 1600<br>Vancouver, BC<br>V6Z 2G7 |
| | Canada Labour Relations Board Regulations | establish, inspect and enforce labour standards | | | |
| | Canada Industrial Relations Regulations | mediate, conciliation of labour disputes | | | |
| IMMIGRATION ACT | Immigration Regulations | entry permit | Employment and Immigration | Director<br>NWT Directorate<br>(403) 920-8412 | Bag Service 1170<br>Yellowknife, NWT<br>X1A 2R3 |
| UNEMPLOYMENT INSURANCE ACT | Unemployment Insurance Regulations | review claims against unemployment insurance | | | |
| ADULT OCCUPATIONAL TRAINING ACT | Adult Occupational Training Regulations | provides for agreements to foster manpower training programs in response to needs of the economy | | | |

## OTHER - FEDERAL LEGISLATION

2.10.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| RADIO ACT | | radio system licences | Communications Canada | Regional Office<br>(403) 920-6603 | Precambrian Building<br>10th Floor<br>Box 2700<br>Yellowknife, NWT<br>X1A 2R1 |
| PRECIOUS METALS MARKING ACT (5.3) | | guidelines for the display of quality marks, trade marks, national marks on precious metal products | Consumer and Corporate Affairs Canada | Merchandise Standards Division<br>Consumer Products Branch<br>(819) 997-1177 | Place du Portage<br>Phase 1<br>Hull, Quebec<br>K1A 0C9 |

# TERRITORIAL KEY TOPICS

Department of Energy, Mines and Petroleum Resources - November 1991

## ADMINISTRATION - TERRITORIAL LEGISLATION 2.11.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| INCOME TAX ACT | | territorial taxation on corporate income | Finance | Director Taxation<br>(403) 873-3470 | Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |
| SECURITIES ACT (6.8) | | guidelines for the sale of public securities | Justice | Registrar<br>Legal Registries<br>(403) 873-7490 | |
| CORPORATION SECURITIES REGISTRATION | | protects company rights if being challenged | | | |
| PROPERTY ASSESSMENT AND TAXATION ACT | | sets guidelines for property assessment and rates of taxation for that particular property | Finance | Director<br>Taxation<br>(403) 873-3470 | |
| PERPETUITIES ACT | | sets guidelines for administering wills and estates | Justice | Legislative Counsel<br>Legislative Division<br>(403) 873-7462 | |
| PETROLEUM PRODUCTS TAX ACT | | tax of fuel | Finance | Director<br>Taxation<br>(403) 873-3470 | |

# TERRITORIAL ENVIRONMENTAL LEGISLATION

2.13.2

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| ENVIRONMENTAL PROTECTION ACT (6.4) | | provides environmental protection from contamination by hazardous substances | Renewable Resources/ Executive | Director Pollution Control (403) 873-7654<br><br>Minister of Renewable Resources (403) 873-7113 | Box 1320 Yellowknife, NWT X1A 2N1 |
| ENVIRONMENTAL RIGHTS ACT (6.5) | | primarily concerned with the release of contaminants<br><br>provides NWT residents with the right to a healthy environment and the right to take certain actions to protect the integrity, biological diversity and productivity of ecosystems in the NWT | | | |
| WILDLIFE ACT (6.14) | | management of wildlife | Renewable Resources | Coordinator Regional Operations (403) 920-6369 | |
| PESTICIDES ACT | | regulates pesticide use in the NWT | | Director Pollution Control (403) 873-7654 | |

# TERRITORIAL HEALTH AND SAFETY LEGISLATION

2.14.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| MINING SAFETY ACT (6.16) | | governs safe operations of mining and exploration | Safety & Public Services | Chief Mining Inspector<br>(403) 873-7071 | Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |
| WORKERS' COMPENSATION ACT (6.23) | | deals with work related accidents<br><br>penalties for unsafe work practices | NWT Workers' Compensation Board | Chief Operating Officer<br>(403) 920-3899 | Box 8888<br>Yellowknife, NWT<br>X1A 2R3 |
| PUBLIC HEALTH ACT (6.6) | | provides for medical care in construction camps, regulates sanitation and inspection by Health Officers | Health | Director<br>Health Legislation and Policy<br>(403) 873-7791 | Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |
| MEDICAL CARE ACT | | require registration of workers establishing residence in territories under medicare | | | |
| CIVIL EMERGENCY MEASURES ACT | | relates to civil emergencies | MACA | Director<br>Emergency Measures Organization<br>(403) 920-6133 | |
| CORONERS ACT | | investigations of deaths by RCMP and coroner<br>mining related deaths also covered under Mining Safety Act (6.16) | Justice | Chief Coroner<br>(403) 873-7460 | |
| EMERGENCY MEDICAL AID ACT | | relates to the administration first aid to a victim where there are no proper medical facilities. The administerer of medical aid is not liable for injuries or death caused except in a case of gross negligence | Health | Director<br>Health Legislation and Policy<br>(403) 873-7791 | |
| FATAL ACCIDENTS ACT | | deals with fatal accidents | RCMP | Commanding Officer<br>(403) 920-8323 | 50 Street & 49 Avenue<br>Yellowknife, NWT<br>X1A 2N5 |

# TERRITORIAL HEALTH AND SAFETY LEGISLATION

2.14.2

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| PESTICIDE ACT | | regulates pesticide use in NWT | Renewable Resources | Pollution Control Division (403) 873-7654 | Box 1320 Yellowknife, NWT X1A 2L9 |
| SAFETY ACT (6.22) | WHMIS Regulations (6.22.4) | safety regulations for non-mining operations, also regulates hazardous materials | Safety and Public Services | Director, Safety Division | Box 1320 Yellowknife, NWT X1A 2L9 |
| LIQUOR ACT | | restrictions may apply to the possession of liquor in some communities | Government Services | Executive Secretary Liquor Licensing Board (403) 873-7300 | |

# TERRITORIAL CONSTRUCTION AND OPERATIONS LEGISLATION 2.15.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| BOILERS AND PRESSURE VESSELS ACT (6.19) | | controls the design, construction, installation, operation and repair of pressure vessels | Safety and Public Services | Chief Boiler Inspector (403) 873-7869 | Box 1320 Yellowknife, NWT X1A 2L9 |
| GAS PROTECTION ACT (6.20) | | supply and distribution of gases | | Chief Gas Inspector - Safety Division (403) 873-7474 | |
| EXPLOSIVES USE ACT (6.17) | | required permission for handling and use of explosives | | Director Mining Inspection Services (403) 873-7071 | |
| FIRE PREVENTION ACT (6.18) | Propane cylinder regulations (6.18.3) | - provides for review and approval of structural plans<br>- regulate sale of fire extinguishers, installation of burning appliances; investigates fires<br>- regulates storage and disposal of propane cylinders | | Fire Marshall Office of the Fire Marshall (403) 873-7469 | |
| MOTOR VEHICLES ACT | | - registration of vehicles and licensing of drivers<br>type of vehicles to be registered | Transportation | Director, Motor Vehicles (403) 873-7406 | |
| AREA DEVELOPMENT ACT (6.9) | | regulates zoning, building and highway control in "development areas" outside communities | MACA | Senior Planner, Community Planning (403) 873-8038 | |
| COMMISSIONER'S LAND ACT (6.10) | | land use permits, hay permits, quarrying permits and leases on Commissioner's Land (Administers sale, lease or other disposition on Commissioner's Land) | | Director of Lands (403) 873-7571 | |
| PLANNING ACT (6.11) | | requires approval of Commissioner and municipality for works through private or municipal lands | | Senior Planner, Community Planning (403) 873-8036 | |

# TERRITORIAL CONSTRUCTION AND OPERATIONS LEGISLATION

2.15.2

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| PUBLIC HIGHWAYS ACT | | allows permission to construct an access road to/from a primary highway<br>regulates structures proximate to a primary highway<br>load limits and dimension limits on public highways | Transportation | Director of Policy and Planning Division<br>(403) 920-8754 | Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |
| CITIES, TOWNS AND VILLAGES ACT | | refers to municipal management | MACA | Director of Municipal Affairs<br>(403) 873-7329 | Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |
| HAMLETS ACT | | | | | |
| EXPROPRIATION ACT | | guidelines for expropriation of lands for public purposes | | | |
| PUBLIC UTILITIES ACT | | regulation of public utilities | PUB | Director<br>(403) 873-7495 | Box 697<br>Yellowknife, NWT<br>X1A 2N5 |
| SETTLEMENTS ACT | | refers to municipal management | MACA | Director of Municipal Affairs<br>(403) 873-7329 | Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |
| CHARTER COMMUNITIES ACT | | | | | |

# TERRITORIAL BUSINESS-RELATED LEGISLATION 2.16.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| ECONOMIC DEVELOPMENT AGREEMENTS | | regional development incentive grant | Economic Development & Tourism | Director, Economic Development Agreement Secretariat (403) 920-8744 | Box 1320 Yellowknife, NWT X1A 2L9 |
| COMPANIES ACT | | incorporation of new territorial companies and registration of extra territorial companies | Justice | Registrar Legal Registries (403) 873-7490 | |
| COMPANIES WINDING-UP ACT | | requires Commissioners' order to 'wind-up'<br>sets guidelines for distribution of assets and settling of liabilities | | | |
| BUSINESS LICENCE ACT | | registry of businesses | Safety and Public Services | Registrar Consumer & Corporate Affairs (403) 920-8058 | |
| PARTNERSHIP ACT | | registry of partnerships | Justice | Registrar Legal Registries (403) 873-7490 | |

# TERRITORIAL RESTRICTED AREAS LEGISLATION

2.17.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| FOREST MANAGEMENT ACT (6.12) | Forest Management Regulations | issues permits and licences controlling cutting, transport, milling and timber research<br><br>reforestation and restoration | Renewable Resources | Director<br>Forest Management<br>(403) 920-6405 | Box 1320<br>Yellowknife, NWT<br>X1A 2N8 |
| FOREST PROTECTION ACT (6.13) | | to prevent fires in forested areas; company co-operation required in combatting fires | | Director, Forest Fire Management<br>Forest Fire Centre<br>(403) 872-2103 | Box 7<br>Fort Smith, NWT<br>X0E 0P0 |
| HISTORICAL RESOURCES ACT (6.2) | | protects historic and prehistoric remains<br><br>licences under Scientists Act | Culture and Communication | Senior Archaeologist<br>Prince of Wales Northern Heritage Centre<br>(403) 920-8839 | Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |
| SCIENTISTS ACT | | licences all scientific research carried out in the NWT | Science Institute of the NWT | Executive Director<br>(403) 873-7592 | Box 1617<br>Yellowknife, NWT<br>X1A 2P2 |
| TERRITORIAL PARKS ACT (6.3) | | regulates activities on territorial park lands<br><br>permits required for construction and industry | Economic Development & Tourism | Assistant Deputy Minister Field Operations<br>(403) 873-6965 | Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |

# TERRITORIAL TRANSPORTATION LEGISLATION 2.18.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| PUBLIC SERVICE VEHICLES ACT | | certifies truck carriers transporting any goods for compensation | Highway Transport Board | Executive Director Highway Transport Board (403) 873-7494 | Box 697 Yellowknife, NWT X1A 2N5 |
| TRANSPORTATION OF DANGEROUS GOODS ACT (6.15) | | guidelines for transportation of dangerous goods | Transportation | Transportation of Dangerous Goods Officer (403) 874-6972 | GNWT Hay River, NWT X0E 0R0 |
| MOTOR VEHICLES ACT | | registration of vehicles and drivers<br>type of vehicles to be registered | | Registrar of Motor Vehicles (403) 873-7406 | Box 1320 Yellowknife, NWT X1A 2L9 |

# TERRITORIAL LABOUR/EMPLOYMENT/TRAINING LEGISLATION 2.19.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| APPRENTICES AND TRADESMEN ACT | | regulates trades training and certification of workers | Education | Director Employment and Apprenticeship Programs (403) 873-7357 | Box 1320 Yellowknife, NWT X1A 2L9 |
| FAIR PRACTICES ACT | | prohibits discrimination in employment | Justice | Legal Counsel Legal Division (403) 920-3359 | |
| WORKERS' COMPENSATION ACT | | requires certification by Workers' Compensation Board of all employers re: insurance coverage to cover compensation | Workers' Compensation Board | Chief Operating Officer (403) 920-3899 | Box 8888 Yellowknife, NWT X1A 2R3 |
| LABOUR STANDARDS ACT (6.21) | | employment standards | Safety and Public Services | Labour Services (403) 873-7486 | Box 1320 Yellowknife, NWT X1A 2L9 |
| ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS ACT (6.7) | | requires registration of geologists, engineers and geophysicists providing professional services in the NWT | NAPEGG | President (403) 920-4055 | Box 1962 Yellowknife, NWT X1A 2P5 |
| MECHANICS' LIEN ACT | | protection in the event of non-payment for work performed | Justice | Director Legal Division (403) 873-7437 | Box 1320 Yellowknife, NWT X1A 2L9 |
| MINERS' LIEN ACT | | | | | |
| WAGES RECOVERY ACT | | allows employees who have not been paid to take court action<br><br>claims for improper dismissal | Safety and Public Services | Labour Services (403) 873-7486 | |

## MISCELLANEOUS TERRITORIAL LEGISLATION 2.20.1

| STATUTE | REGULATIONS | GENERAL DESCRIPTION | AGENCY | TITLE | ADDRESS |
|---|---|---|---|---|---|
| SUMMARY CONVICTION PROCEDURES ACT | | defines procedures for summary convictions | RCMP | Commanding Officer (403) 920-8323 | 50 Street & 49 Avenue Yellowknife, NWT X1A 2L9 |

# 3. KEY CONTACTS

## KEY CONTACTS

Key contact positions within departments or agencies of the federal and territorial governments, statutes administered, addresses and telephone numbers are listed on the following pages. A full address list for each location code is provided at the front of the section.

# ADDRESS LIST

| | |
|---|---|
| BB - | Bellanca Building<br>4914 - 50th St.<br>Yellowknife, NWT<br>X1A 1R6 |
| C - | Cunningham Building<br>4921 - 49 St.<br>Yellowknife, NWT<br>X1A 1P2 |
| CB - | Connaught Building<br>MacKenzie Avenue<br>Ottawa, Ontario<br>K1A 0L5 |
| CITY - | City Hall<br>4807 - 52 St.<br>Yellowknife, NWT<br>X1A 2S2 |
| CS - | Centre Square Mall<br>5022 - 49 St.<br>Yellowknife, NWT<br>X1A 1P4 |
| CT - | Centennial Towers<br>200 Kent Street<br>Ottawa, Ontario<br>K1A 0E6 |
| DIAND I&I - | Indian and Inuit Affairs<br>P.O. Box 2760<br>Yellowknife, N.W.T.<br>X1A 2R3 |
| DIAND NAP - | Northern Affairs Program<br>P.O. Box 1500<br>Yellowknife, N.W.T.<br>X1A 2R3 |
| HWY - | Highways Building<br>4510 - 50 Ave.<br>Yellowknife, NWT<br>X1A 1B8 |
| JTN - | Journal Tower North<br>300 Slater Street<br>Ottawa, Ontario<br>K1A 0C8 |
| L - | Laing Building<br>5003 - 49 St.<br>Yellowknife, NWT<br>X1A 1P4 |
| LBP - | Lester B. Pearson Building<br>125 Sussex Drive<br>Ottawa, Ontario<br>K1A 0G2 |
| LRT - | Lam Ridge Towers<br>4501 - 50 Ave.<br>Yellowknife, NWT<br>X1A 1B8 |
| MA - | Medical Arts Building<br>4920 - 47 St.<br>Yellowknife, NWT<br>X1A 1L8 |
| MB - | Martel Building<br>270 Albert Street<br>P.O. Box 1046<br>Ottawa, Ontario<br>K1P 5S9 |
| NUP - | Northern United Place<br>5004 - 52 St.<br>Yellowknife, NWT<br>X1A 1T5 |
| NW - | Northway Building<br>4916 - 49 St.<br>Yellowknife, NWT<br>X1A 1P2 |
| PAII - | Panda Centre II<br>5020 - 48 St.<br>Yellowknife, NWT<br>X1A 1N4 |
| PDP I - | Place du Portage, Phase I<br>50 Victoria Street<br>Hull, Quebec<br>K1A 0C9 |
| PDP II - | Place du Portage, Phase II<br>165 Hotel de Ville Street<br>Hull, Quebec<br>K1A 0J2 |
| PDP IV a) - | Place du Portage, Phase IV<br>Hull, Quebec<br>K1A 0A6 |
| PDP IV b) - | Place du Portage, Phase IV<br>140 Promenade du Portage<br>Hull, Quebec<br>K1A 0J9 |
| PDV-A - | Place de Ville, Tower A<br>Ottawa, Ontario<br>K1A 0N7 |

# ADDRESS LIST

| | |
|---|---|
| PDV-A - | Place de Ville, Tower A<br>Ottawa, Ontario<br>K1A 0N7 |
| PDV-C - | Place de Ville, Tower C<br>330 Sparks Street<br>Ottawa, Ontario<br>K1A 0N5 |
| PWNHC - | Prince of Wales Northern<br>Heritage Centre<br>1/4 mile NW on Highway 4<br>(Ingraham Trail)<br>Yellowknife<br>Box 1320<br>Yellowknife, NWT<br>X1A 2L9 |
| SC - | Scotia Centre<br>5102 - 50 Ave.<br>Yellowknife, NWT<br>X1A 2S3 |
| SMH - | Stuart M. Hodgson Building<br>5009 - 49 St.<br>Yellowknife, NWT<br>X1A 1P4 |
| TB - | Trebla Building<br>473 Albert Street<br>Ottawa, Ontario<br>K1A 0E5 |
| TC a) - | Terrasses de la Chaudiere<br>10 Wellington Street<br>Hull, Quebec<br>K1A 0H3 |
| TC b) - | Terrasses de la Chaudiere<br>10 Wellington Street<br>Hull, Quebec<br>K1A 0H4 |
| WLB - | Wm. Logan Building<br>580 Booth Street<br>Ottawa, Ontario<br>K1A 0E4 |
| YK - | YK Centre Building<br>4922 - 48 St.<br>Yellowknife, NWT<br>X1A 1M8 |

# KEY CONTACTS - FEDERAL GOVERNMENT

| DEPARTMENT | TELEPHONE | ACT | MAILING ADDRESS | LOCATION |
|---|---|---|---|---|
| **ATOMIC ENERGY CONTROL BOARD** | | | | |
| President | (613) 992-8828 | | | MB |
| Director General<br>Fuel Cycle and Materials<br>Regulations | (613) 995-2617 | | | MB |
| Manager<br>Uranium Facilities Division | (613) 995-3181 | Atomic Energy Control Act | | MB |
| **COMMUNICATIONS** | | | | |
| Minister | (613) 990-6886 | | | JTN |
| Deputy Minister | (613) 996-4052 | | | JTN |
| Regional Office | (403) 920-6603 | Radio Act | P.O. Box 2700<br>Yellowknife, N.W.T.<br>X1A 2R1 | PC-10 |
| **CONSUMER AND CORPORATE AFFAIRS** | | | | |
| Minister and<br>Registrar General | (819) 997-3530 | | | PDP I |
| Deputy Minister and<br>Deputy Registrar General | (819) 997-2683 | Canada Corporations Act<br>Combines Investigation Act<br>Corporations and Labour Unions Returns Act | | PDP I |
| Merchandise Standards Division<br>Consumer Products Branch | (819) 997-1177 | Precious Metals Markings Act | | PDP I |
| Enquiries | | | | |
| Regional Precious Metals<br>Specialist | (204) 983-6014 | | 260 St. Mary Ave.<br>Winnipeg, Manitoba<br>R3C 0M6 | |
| OR | | | | |
| Regional Precious Metals<br>Specialist | (604) 666-5304 | | 1400-800 Burrard St.<br>Vancouver, B.C.<br>V6Z 2H8 | |
| **EMPLOYMENT & IMMIGRATION** | | | | |
| Minister | (819) 994-4514 | | | PDP IV |
| Deputy Minister | (819) 994-4519 | | | PDP IV |
| Director<br>NWT Directorate | (403) 920-8412 | Immigration Act<br>Unemployment Insurance Act<br>Adult Occupational Act | Bag Service 1170<br>Yellowknife, N.W.T.<br>X1A 2R3 | SC-2 |

## ENERGY, MINES AND RESOURCES

| | | | | |
|---|---|---|---|---|
| Minister | (613) 996-2007 | | | WLB |
| Deputy Minister | (613) 992-3456 | Resources & Technical Surveys Act<br>Explosives Act | | WLB |
| Regional Surveyor<br>Legal Surveys Division | (403) 920-8295 | Canada Land Surveys Act | P.O. Box 668<br>Yellowknife, N.W.T.<br>X1A 2N5 | BB-8 |
| Chief Inspector<br>Explosives Branch | (613) 995-2388 | Explosives Act | | WLB |
| Senior Inspector<br>Explosives Division | (403) 292-4766 | Explosives Act | 630 4th Ave. SW<br>Calgary, Alberta<br>T2P 0J9 | |

## ENVIRONMENT CANADA

| | | | | |
|---|---|---|---|---|
| Minister | (819) 997-1441 | | | TC |
| Deputy Minister | (819) 997-4203 | | | TC |
| Chief, Environmental<br>Quality Division | (403) 873-3456 | Canadian Environmental<br>Protection Act<br>International River Improvements<br>Act<br>(Fisheries Act - MMLER) | P.O. Box 370<br>Yellowknife, N.W.T.<br>X1A 2N3 | BB-9 |
| Manager, Northern Operations<br>Canadian Wildlife Service | (403) 920-8531 | Migratory Birds Convention Act<br>Canada Wildlife Act | P.O. Box 637<br>Yellowknife, N.W.T.<br>X1A 2N5 | |
| Enforcement Coordinator<br>Canadian Wildlife Service | (403) 920-8551 | Migratory Birds Convention Act<br>Canada Wildlife Act | P.O. Box 637<br>Yellowknife, N.W.T.<br>X1A 2N5 | |
| Canada Parks Service | (403) 873-8477 | National Parks Act | P.O. Box 1166<br>Yellowknife, N.W.T.<br>X1A 2N8 | |
| Subarctic History Advisory<br>Canadian Parks Service | (403) 873-8477 | Historic Sites and Monuments Act | P.O. Box 1166<br>Yellowknife, N.W.T.<br>X1A 2N8 | |
| Director, FEARO | (604) 666-2431 | Environmental Assessment<br>Review Process Guideline Order | 510 Cambie St.<br>Vancouver, B.C.<br>V6B 2P2 | |

## EXTERNAL AFFAIRS

| | | | | |
|---|---|---|---|---|
| Secretary of State | (613) 995-1851 | International Boundary Waters Treaty Act<br>Exports & Import Permits Act | | LBP |

## FISHERIES & OCEANS

| | | | | |
|---|---|---|---|---|
| Minister | (613) 992-3474 | | | CT |
| Director General<br>Central & Arctic Region | (204) 949-5117 | Fisheries Act | 501 University Crescent<br>Winnipeg, Manitoba<br>R3T 2N6 | |

| | | | | |
|---|---|---|---|---|
| Area Manager<br>NWT Fisheries and Habitat Management | (403) 920-8640 | Fisheries Act | P.O. Box 2310<br>Yellowknife, N.W.T.<br>X1A 2P7 | |

**INDIAN AND NORTHERN AFFAIRS**

| | | | | |
|---|---|---|---|---|
| Minister | (819) 997-0002 | Northwest Territories Act | | TC b) |
| Deputy Minister | (819) 997-0133 | | | TC b) |
| Senior Policy Advisor<br>Western Arctic Claim t<br>Implementation Secretariat | (819) 997-8287 | Inuvialuit Land Claim Settlement Act | | TC-b |
| Regional Director<br>Indian & Inuit Affairs | (403) 920-8283 | Indian Economic Development Fund Indian Act | DIAND I&I | PC |
| Chief Mining Recorder<br>Mining Lands | (403) 920-8235 | (Canada Mining Regulations)<br>Territorial Coal Regulations<br>Territorial Dredging Regulations | DIAND - NAP | BB-4 |
| Regional Manager<br>Land Resources | (403) 920-8165 | Public Lands Grants Act<br>Territorial Lands Act<br>Territorial Land-Use Regulations<br>Territorial Lands Regulation<br>Territorial Quarrying Regulations | DIAND - NAP | BB-4 |
| Supervisor,<br>Water Resources Division<br>Renewable Resources & Environment | (403) 920-8250 | Arctic Waters Pollution Prevention Act<br>Arctic Water Pollution Prevention Regulations | DIAND - NAP | |
| Director<br>Minerals & Economic Analysis | (403) 920-8263 | | DIAND - NAP | BB-5 |
| Manager, Geology Division | (403) 920-8211 | | DIAND - NAP | BB-3 |
| District Geologist Offices | | | DIAND - NAP | BB-4 |
| Bear-North Slave Region | (403) 920-8214 | | " | |
| Cordilleran Region | (403) 920-8221 | | " | |
| Arctic Island Region | (403) 920-8216 | | " | |
| Keewatin Region | (403) 920-8213 | | " | |

Territorial Land Use Regulations - Department Contacts (Engineers)

| | | | |
|---|---|---|---|
| Regional Manager,<br>Land Resources<br>(Fort Smith, Keewatin, Fort Simpson,Baffin) | (403) 920-8165 | DIAND - NAP | |
| District Superintendent<br>(Yellowknife, Yellowknife District, Arctic Island) | (403) 920-8256 | DIAND - NAP | |
| District Manager<br>Inuvik | (403) 979-3361 | Northern Affairs Program<br>P.O. Box 2100<br>Inuvik, N.W.T.<br>X0E 0T0 | |

Territorial Land Use Regulations - District Contacts

District Managers

| | |
|---|---|
| Inuvik | (403) 979-3361 |
| Fort Simpson | (403) 695-2626 |
| Fort Smith | (403) 873-2558 |

| | | | | |
|---|---|---|---|---|
| Yellowknife | (403) 920-8256 | | | |
| Rankin Inlet | (819) 645-2831 | | | |
| Iqualuit | (819) 979-4405 | | | |
| Resource Management Officers | | | | |
| Inuvik | (403) 979-3361 | | | |
| Norman Wells | (403) 587-2911 | | | |
| Fort Simpson | (430) 695-2626 | | | |
| Fort Smith | (403) 872-2558 | | | |
| Hay River | (403) 874-6995 | | | |
| Yellowknife | (403) 920-8259 | | | |
| **INDUSTRY, SCIENCE AND TECHNOLOGY** | | | | |
| Minister | (613) 995-9001 | | 235 Queen Street<br>Ottawa, Ontario<br>K1A 0H5 | |
| Director General<br>Aerospace, Defence & Industrial Benefits Branch | (613) 954-3422 | Industrial Benefits to Canada Program | " | |
| **INVESTMENT CANADA** | | | | |
| President | (613) 995-9601 | Investment Act | Box 2800, Station D<br>240 Sparks Street, 5th Floor<br>Ottawa, Ontario<br>K1P 6A5 | |
| Vice-President<br>Investment Review Division | (613) 996-9456 | | " | |
| Vice-President<br>Investment Development Division | (613) 995-9455 | | " | |
| Vice-President<br>Corporate Secretary and<br>Senior Counsel Division | (613) 995-9260 | | " | |
| **LABOUR CANADA** | | | | |
| Minister | (613) 992-4026 | | | PDP II |
| Deputy Minister | (819) 997-1482 | | | PDP II |
| Director<br>Western Region | (604) 666-6001 | Canada Labour Code | 800 Burrard Street<br>Suite 1600<br>Vancouver, B.C.<br>V6Z 2G7 | |
| **NORTHWEST TERRITORIES WATER BOARD** | | | | |
| Chairman | (403) 920-8191 | Northern Inland Waters Act | P.O. Box 1500<br>Yellowknife, N.W.T.<br>X1A 2R3 | PC-9 |
| Executive Assistant | (403) 920-8191 | Northern Inland Waters Act | " | PC-9 |
| **REVENUE CANADA** | | | | |
| Minister | (613) 995-2960 | | | CB |
| Deputy Minister<br>Customs and Excise | (613) 957-8506 | Customs Act | | |

| | | | | |
|---|---|---|---|---|
| Regional Director | (403) 420-3487 | Canada Income Tax Act | Federal Public Building<br>9820 - 107 Street<br>Edmonton, Alberta<br>T5K 1E8 | |
| **TRANSPORT CANADA** | | | | |
| Minister | (613) 991-0700 | National Transportation Act | | PDV-C |
| Assistant Deputy Minister<br>Marine<br>Canadian Coast Guard | (613) 998-1571 | Arctic Waters Pollution Prevention Act<br>Canada Shipping Act<br>Government Harbours Act | | PDV-C |
| Assistant Deputy Minister<br>Policy and Coordination | (613) 998-1880 | Navigable Waters Protection Act<br>Transport Act | | PDV-C |
| Director General<br>Aviation | (613) 990-1322 | Aeronautics Act | | PDV-C |
| Chairman<br>Canadian National Railways | (514) 399-5430 | Railways Act | 935 de Lagauchetiere W.<br>P.O. Box 8100<br>Montreal, Quebec<br>H3C 3N4 | |
| Commissioner<br>Canadian Coast Guard | (613) 998-1571 | | | PDV-A |
| Senior Navigable Waters Officer<br>Canadian Coast Guard | (604) 984-3731 | Navigably Waters Protection Act | 224 West Esplanade<br>North Vancouver, B.C.<br>V7M 3J7 | |
| District Manager<br>Canadian Coast Guard | (403) 874-5500 | Arctic Waters Pollution Prevention Act (Arctic Shipping PollutionPrevention Regulations) | P.O. Box 5002<br>Hay River, N.W.T.<br>X0E 0R2 | |
| Regional Manager | (204) 983-5969 | Transportation of Dangerous Goods Act | 391 York Ave., Rm 305<br>Winnipeg, Manitoba<br>R3C 0P4 | |

# KEY CONTACTS - TERRITORIAL GOVERNMENT

## CULTURE AND COMMUNICATIONS

| | | | |
|---|---|---|---|
| Minister | (403) 873-7113 | | L-6 |
| Deputy Minister | (403) 873-7146 | | L-4 |
| Senior Archaeologist<br>Prince of Wales Northern Heritage Centre | (403) 920-8839 | Historic Resources Act<br>Archaeological Sites Regulations<br>(under Northwest Territories Act, for DIAND) | PWNHC |

## ECONOMIC DEVELOPMENT AND TOURISM

| | | | |
|---|---|---|---|
| Minister | (403) 873-7962 | | L-6 |
| Deputy Minister | (403) 873-7115 | | NUP-2 |
| Director<br>Economic Development Agreement Secretariat | (403) 920-8744 | Economic Development Agreements Act | MA |
| Assistant Deputy Minister<br>Field Operations | (403) 873-6965 | Territorial Parks Act | NUP-2 |

## EDUCATION

| | | | |
|---|---|---|---|
| Minister | (403) 873-7139 | | L-6 |
| Deputy Minister | (403) 920-6240 | | LRT-3 |
| Director<br>Employment & Apprenticeship Programs | (403) 873-7357 | Apprentices and Tradesman Act | LRT-1 |

## ENERGY, MINES AND PETROLEUM RESOURCES

| | | | |
|---|---|---|---|
| Minister | (403) 873-7128 | | L-6 |
| Deputy Minister | (403) 873-7224 | | PAII-3 |
| Director, Mineral Policy | (403) 873-7086 | Mineral Initiatives | PAII-3 |

## FINANCE

| | | | |
|---|---|---|---|
| Minister | (403) 873-7658 | | L-6 |
| Deputy Minister | (403) 873-7117 | | L-5 |
| Director, Taxation | (403) 873-3470 | Income Tax Act<br>Property Assessment and Taxation Act<br>Petroleum Products Tax Act | C-3 |

## GOVERNMENT SERVICES

| | | | |
|---|---|---|---|
| Minister | (403) 873-7123 | | L-6 |
| Deputy Minister | (403) 920-7622 | | SMH-3 |
| Executive Secretary,<br>Liquor Licensing Board | (403) 873-7300 | Liquor Act | NW-2 |

## HEALTH

| | | | |
|---|---|---|---|
| Minister | (403) 873-7128 | | L-6 |
| Deputy Minister | (403) 920-6173 | | CS-8 |
| Director,<br>Health Legislation & Policy | (403) 873-7791 | Public Health Act<br>Medical Care Act<br>Emergency Medical Aid Act | CS-8 |

## HIGHWAY TRANSPORT BOARD OF THE N.W.T.

| | | | |
|---|---|---|---|
| Executive Director | (403) 873-7494 | Public Services Vehicle Act | SC-4 |

## JUSTICE

| | | | |
|---|---|---|---|
| Minister | (403) 873-7658 | | L-6 |
| Deputy Minister | (403) 873-7453 | | CH-6 |
| Registrar, Legal Registries | (403) 873-7490 | Securities Act<br>Corporation Securities Registration Act<br>Companies Act<br>Companies Winding-Up Act<br>Partnership Act | CH-3 |
| Legislative Counsel,<br>Legislative Division | (403) 873-7462 | Perpetuities Act | CH-4 |
| Chief Coroner | (403) 873-7460 | Coroners Act | CH-3 |
| Director, Legal Division | (403) 920-7437 | Fair Practices Act<br>Mechanics' Lien Act<br>Miners' Lien Act<br>Engineering, Geological and<br>Geophysical Professions Act | CH-4 |

## MUNICIPAL AND COMMUNITY AFFAIRS

| | | | |
|---|---|---|---|
| Minister | (403) 873-7123 | | L-6 |
| Deputy Minister | (403) 873-7118 | | YK-3 |
| Senior Planner,<br>Community Planning | (403) 873-8038 | Area Development Act<br>Planning Act | YK-4 |
| Director of Lands | (403) 873-7571 | Commissioners' Land Act | YK-4 |
| Director of Municipal Affairs | (403) 873-7329 | City, Towns & Villages Act<br>Expropriation Act<br>Settlements Act<br>Charter Communities Act | YK-2 |

## N.W.T. ASSOCIATION OF PROFESSIONAL ENGINEERS, GEOLOGISTS AND GEOPHYSICISTS

| | | | |
|---|---|---|---|
| President | (403) 920-4055 | Engineering, Geological and<br>Geophysical Professions Act | P.O. Box 1962<br>Yellowknife, N.W.T.<br>X1A 2P5 |

## PUBLIC UTILITIES BOARD OF THE N.W.T.

| | | | |
|---|---|---|---|
| Director | (403) 873-7495 | Public Utilities Act | SC-4 |

| | | | | |
|---|---|---|---|---|
| **RENEWABLE RESOURCES** | | | | |
| Minister | (403) 873-7113 | | | L-6 |
| Deputy Minister | (403) 873-7420 | | | SC-6 |
| Director, Pollution Control | (403) 873-7654 | Environmental Protection Act<br>Pesticides Act | | SC-7 |
| Coordinator, Regional Operations | (403) 920-6389 | Wildlife Act | | SC-6 |
| Director, Forest Management | (403) 920-6405 | Forest Management Act | | SC-7 |
| Director, Forest Fire Management<br>Territorial Forest Fire Centre | (403) 872-2103 | Forest Protection Act | P.O. Box 7<br>Fort Smith, N.W.T.<br>X0E 0P0 | 149 McDougal l<br>2nd Floor |
| **SAFETY AND PUBLIC SERVICES** | | | | |
| Minister | (403) 873-7959 | | | L-6 |
| Deputy Minister | (403) 873-7619 | | | NW-2 |
| Registrar, Business &<br>Professional Licensing<br>Consumer & Corporate Affairs | (403) 920-8058 | Business Licence Act | | PA-3 |
| Director,<br>Mining Inspection Services | (403) 873-7071 | Mining Safety Act<br>Explosives Use Act | | NW-1 |
| Chief Boiler Inspector,<br>Safety Division | (403) 873-7889 | Boiler & Pressure Vessels Act | | NW-1 |
| Chief Gas Inspector,<br>Safety Division | (403) 873-7474 | Gas Protection Act | | NW-1 |
| Fire Marshall | (403) 873-7469 | Fire Prevention Act<br>Propane Cylinder Regulations | | NW-1 |
| Head, Labour Services | (403) 873-7486 | Labour Standards Act<br>Wages Recovery Act | | NW-2 |
| **TRANSPORTATION** | | | | |
| Minister | (403) 873-7962 | | | L-6 |
| Deputy Minister | (403) 920-3460 | | | LRT-2 |
| Director, Motor Vehicles | (403) 873-7406 | Motor Vehicles Act | | HWY-1 |
| Transportation of Dangerous<br>Goods Officer | (403) 874-6972 | Transportation of Dangerous<br>Goods Act | G.N.W.T<br>Hay River, N.W.T.<br>X0E 0R0 | |
| Director, Policy & Planning | (403) 920-8754 | Public Highways act | | LRT-2 |
| **WORKERS COMPENSATION BOARD** | | | | |
| Chairman | (403) 873-7555 | | P.O. Box 8888<br>Yellowknife, N.W.T<br>X1A 2R3 | CITY |
| Director, Client Services | (403) 873-7557 | | " | CITY |
| Chief Operating Officer | (403) 920-3897 | Workers' Compensation Act | " | CITY |

# 4. LICENCES, PERMITS AND REQUIREMENTS

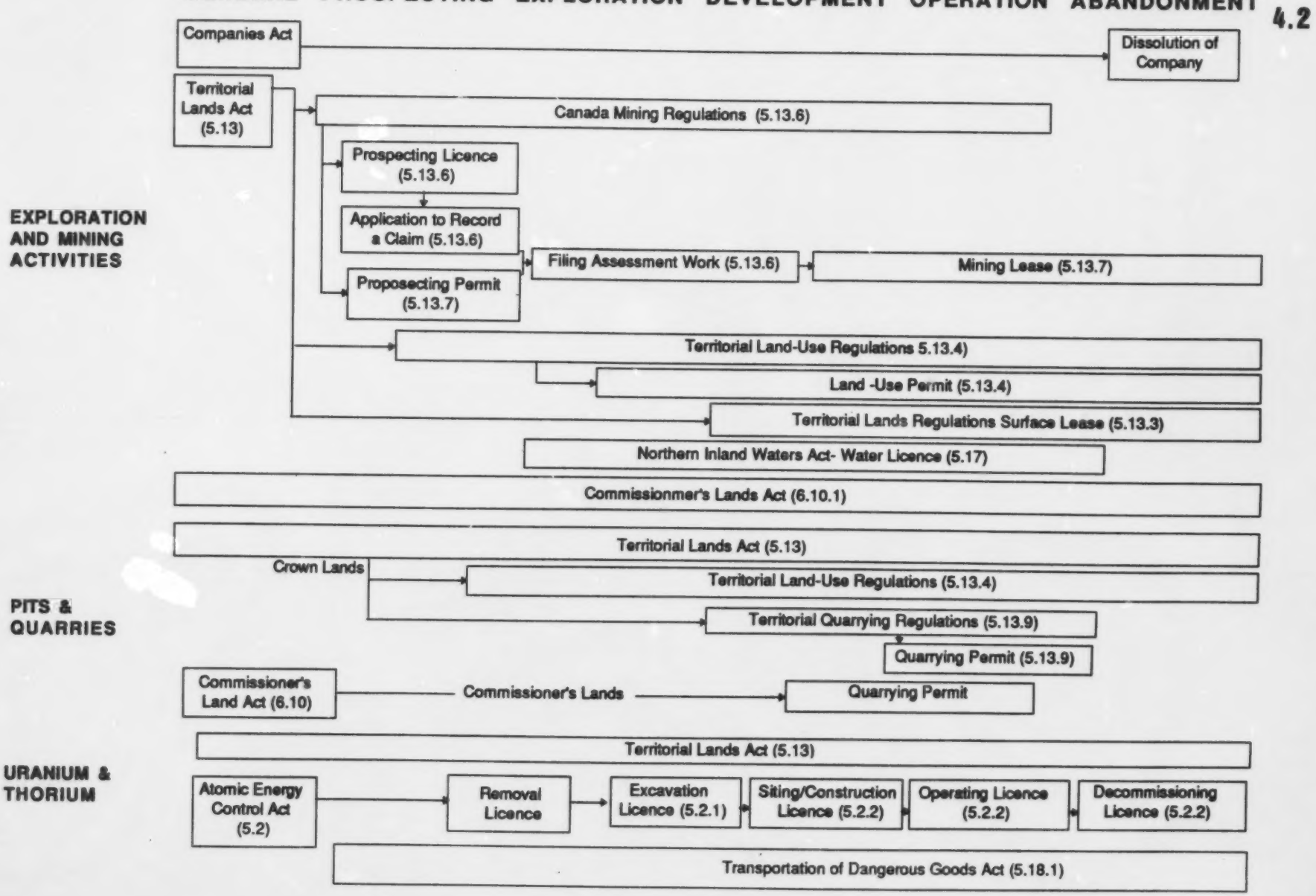
Department of Energy, Mines and Petroleum Resources - November, 1991

## LICENSING REQUIREMENTS - OVERVIEW

The following flow charts are a graphic representation of the licences, permits and requirements associated with the stages of work in mineral development, from exploration to mine abandonment.

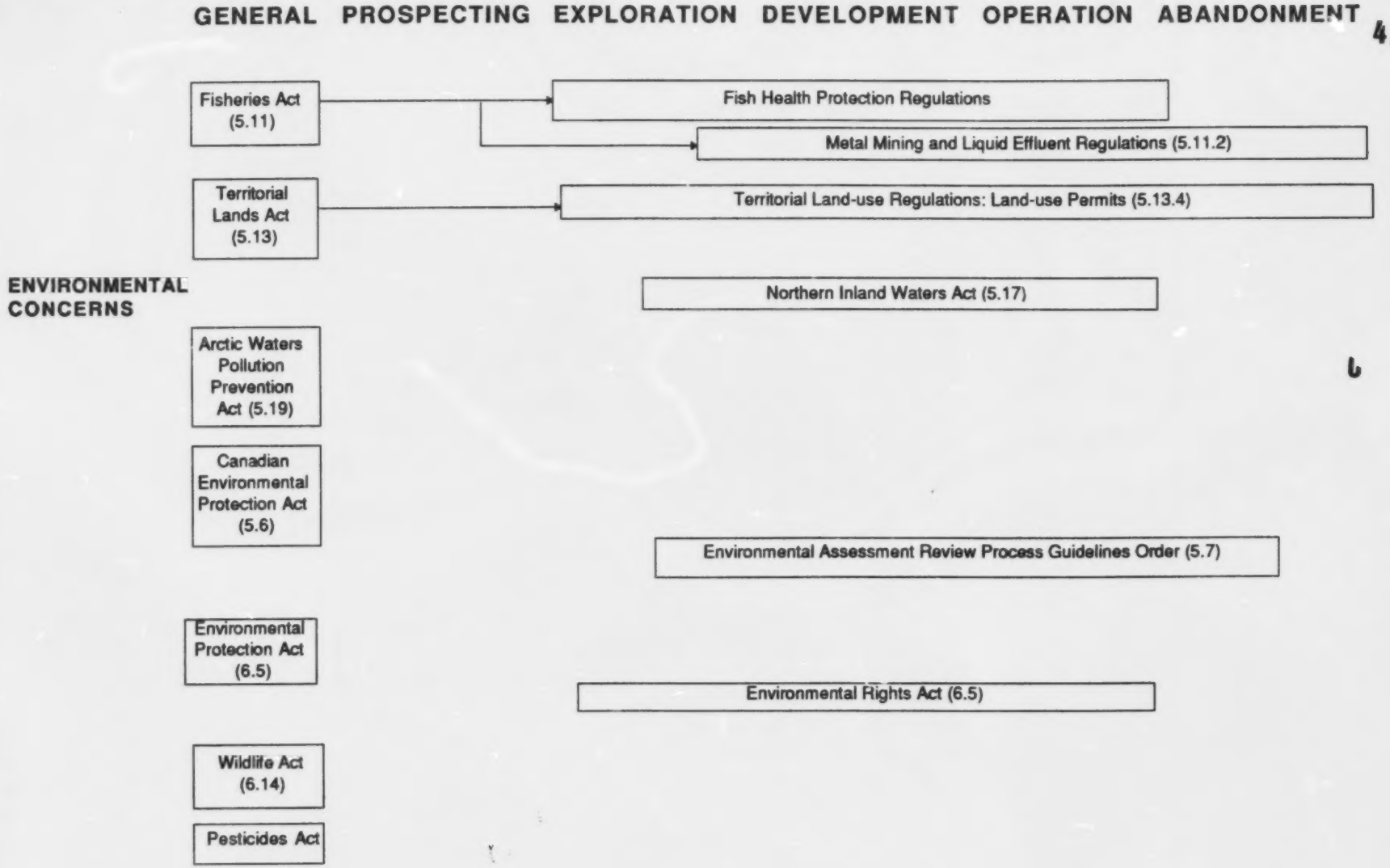
# LICENCES, PERMITS & REQUIREMENTS





# LICENCES, PERMITS & REQUIREMENTS





# LICENCES, PERMITS & REQUIREMENTS



GENERAL PROSPECTING EXPLORATION DEVELOPMENT OPERATION ABANDONMENT

**CONSTRUCTION & OPERATIONS**

- Mining Act - Magazine Permit (6.16.5)
- Explosives Act (5.4)
- Fisheries Act (5.11)
  - Fishways Obstruction Removal Regulations
- Boilers and Pressure Vessels Act (6.19)
- Fire Prevention Act (6.18)
- Commissioner's Land Act (6.10)
- Planning Act (6.11)
- Gas Protection Act (6.20)
- Navigable Waters Protection Act (5.20)
  - Navigable Water Works Regulations (5.20.1)

**COMPREHENSIVE OR REGIONAL LAND CLAIMS**

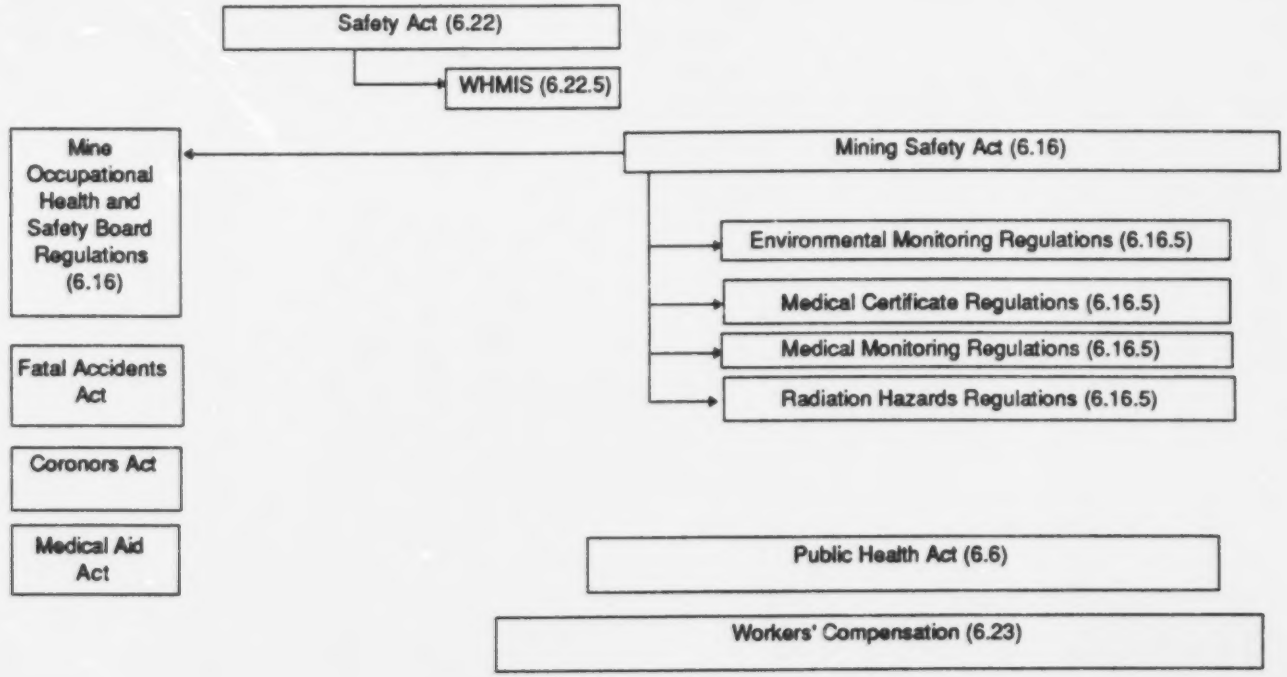
- Western Arctic (Inuvialuit) Claims Settlement Act (5.15)
- Gwich'In Regional Land Claim → In Negotiations
- Dene-Metis Agreement-in-Principle → Not In Negotiations
- TFN Comprehensive Claim → In Negotiations

## LICENCES, PERMITS & REQUIREMENTS

GENERAL PROSPECTING EXPLORATION DEVELOPMENT OPERATION ABANDONMENT



HEALTH & SAFETY



# 5. FEDERAL STATUTES

Department of Energy, Mines and Petroleum Resources - November, 1991

## 5.0 FEDERAL STATUTES - Overview

This section provides summaries of federal acts, listed by administering department, that affect mineral development and associated activities in the NWT.

# ATOMIC ENERGY CONTROL BOARD (AECB)

Department of Energy, Mines and Petroleum Resources - November, 1991

## ATOMIC ENERGY CONTROL ACT

### GENERAL DESCRIPTION

The AECB, created under the Act, controls development, application and use of nuclear energy in Canada, and participates on behalf of Canada in international control measures. Regulations are made by the AECB to ensure that acceptable health, safety and environmental protection standards are met.

The AECB controls uranium mining and refining through a comprehensive licensing system.

The regulatory process is a cooperative one, with the AECB playing the leading role and coordinating the joint process with other federal, provincial and territorial regulatory agencies with mandates in occupational health, safety and environmental protection.

### LICENCES

The staged licensing process was developed to optimize protection of health and safety. Any one of these stages may require an EIS following EARP and territorial requirements.

Removal Licence: is required to remove more than 10 kg of uranium or thorium within one calendar year for purposes of uranium or thorium recovery or metallurgical testing, and includes any associated waste management system and all associated land, buildings and equipment. This licence is usually associated with extensive diamond-drilling programs or trenching activities (with minimal impact on the environment) implemented to delineate an orebody. Information required from the proponent is detailed in Section 11 of the *Uranium and Thorium Mining Regulations*.

Excavation Licence: is required at a site where excavation to evaluate a uranium or thorium orebody is carried out and includes any associated waste management system. Usually significant excavation work (surface or underground) is contemplated at this stage, and therefore there is a likelihood of radiation exposure of workers and/or environmental impact. Before the licence is issued, the following requirements must be fulfilled.

- information submitted as required by Section 12 of the *Uranium and Thorium Mining Regulations* must be provided and accepted;
- an environmental impact overview must be completed, reviewed and approved;
- the public information procedures defined in Regulatory Document R-2, *Guide to the Conduct of Public Meetings* as part of the *Public Information Process for Uranium and Thorium Mine-Mill Facilities*, must be followed; and
- codes of practice of Section 22 of the *Uranium and Thorium Mining Regulations* must be provided and approved.

## ATOMIC ENERGY CONTROL ACT - CONTINUED

Siting or Construction Licence: is required to site or construct a mine and mill and includes mine development, mill construction or any work carried out to restore an abandoned or inactive mine or mill to effective operating condition. Schedule I in the *Uranium and Thorium Mining Regulations* detail requirements in addition to those specified in Section 13. The licence is issued after submission and acceptance of a detailed EIS, completion of the public information process, and acceptance of the design criteria. Detailed designs are approved through a continuous review process as they become available during construction.

Operating Licence: is required to operate a mine, mill and any associated waste management system, and all associated land, buildings and equipment. Information required by Section 14 of the *Uranium and Thorium Mining Regulations* must be provided and accepted. The licence sets out conditions of operation for the facility. The proponent has to convince the AECB and other regulatory agencies that the capability exists to operate the facility in compliance with regulatory requirements.

Suspension, Cessation or Decommissioning Licence: required to suspend, or cease licensed activity at a mining facility or part thereof or to decommission a mining facility. Requirements are specified in Section 15 of the *Uranium and Thorium Mining Regulations*. Planning for decommissioning begins from the outset. Plans are submitted in more detail during the operation licensing stage. Details of the actual approval for decommissioning are project specific.

**PROCEDURES**

Depending on the type of licence sought, these general steps are followed:

- An application is sent to the AECB;
- the AECB response outlines supporting information required for application;
- meetings may take place between the applicant and the AECB to review information submitted;
- the AECB consults with relevant territorial and federal agencies;
- an environmental assessment of the proposal is carried out and must be accepted before approvals are issued;
- conditions for the permit are established, and;
- a licensing meeting may take place between the applicant and all agencies involved to finalize details; and
- the application receives final review and a decision is made on approval.

CONSUMER AND CORPORATE AFFAIRS

Department of Energy, Mines and Petroleum Resources - November, 1991

## PRECIOUS METALS MARKING ACT

**GENERAL DESCRIPTION**

Where authorized by regulations, articles of gold, palladium, platinum or silver may be identified by a mark of quality. The quality mark must bear a trade mark registered with the Registrar of Trade Marks.

An article of precious metal, manufactured in Canada, may be identified by a national mark consisting of a maple leaf surrounded by the letter "C". Authority must be granted to use the mark and use is restricted, for example the mark may not be used on plated articles.

The Governor in Council may make regulations concerning:

- designation of articles,
- designation of metals as precious,
- prescribing quality marks,
- establishing minimum precious metal contents,
- inspection, and
- offenses.

**ENERGY, MINES AND RESOURCES (EMR)**

Department of Energy, Mines and Petroleum Resources - November, 1991

## EXPLOSIVES ACT



### GENERAL DESCRIPTION

The Explosives Act concerns packaging, storage, transportation, importation and sale of explosives. Regulations for mines and mining plants conforming to the Mining Safety Act apply to the use and storage of explosives at mine sites. However, vendors located on mine properties but selling to off-mine property users require a federal licence issued by EMR. The Explosives Use Act (6.17) regulates use of explosives on land away from mining operations.

### PERMITS

A permit is required to transport more than 2000 kg of explosives and to import explosives. Written permission is required to assemble and blend ammonium nitrate and fuel oil or any two component blasting explosives in open pits and quarries. The Mining Safety Act, requires a licence for a magazine (Mining Safety Act (6.16), to store explosives at a mine site.

A federal magazine licence is required for explosive purchase, possession and storage of over 75 kg of blasting explosives and 100 detonators. If a magazine is not required, the mine operator receives an explosives purchase and possession permit from the explosives vendor. EMR has no jurisdiction with respect to explosives licences for lands controlled by GNWT.

### MINIMUM REQUIREMENTS FOR STORAGE

Minimum legal requirements for storing any explosives for sale or for over a period of 90 days without a licence stipulate that:

- the amount is not to exceed 75 kg of blasting explosives and/or 100 detonators;
- the building or receptacle must be detached from a dwelling and at least 30 metres from a street, public place, or occupied buildings;
- the building or receptacle must be of substantial construction, fire resistant, securely locked and marked "EXPLOSIVES"; and
- blasting explosives and detonators must never be stored together in the same receptacle or magazine.

### MINIMUM REQUIREMENTS FOR TRANSPORTING

The minimum legal requirements for transporting explosives are being incorporated into the Transportation of Dangerous Goods Act (5.18.1). Minimum legal requirements for transporting explosives without a permit are that:

- the amount of explosives never exceed 2000 kg;

- the vehicle must be in sound mechanical condition for safely transporting explosives. Brakes, tires, steering; and exhaust, electrical and fuel systems must be checked daily;
- placards as required by the Transportation of Dangerous Goods Act, must be on vehicles carrying over 25 kg of explosives;
- transportation of explosives in contact with metal tools or a steel truck box is prohibited;
- transporting detonators with blasting explosives is prohibited unless: the total number of detonators does not exceed 5000 no. 6 or their equivalent; they are of UN Class 1.4B and packed in accordance with the Explosives Regulations; and they are separated from blasting explosives by a solid partition of wood 15 cm thick and extending at least 15 cm above the explosives payload in the vehicle;
- a 5-B:C fire extinguisher in working order is always available;
- explosives are kept in a secure fully enclosed and lockable compartment at all times; and
- smoking is not permitted.

## RESOURCES AND TECHNICAL SURVEYS ACT

**GENERAL DESCRIPTION**

The Act outlines responsibilities of the Minister in the collection and publication of statistics on mining and the production of technical surveys of mineral resources.

Under the Canada Mining Regulations (5.13.6) the responsibility of the Surveyor General is defined. EMR administrates legal surveys as required by the Mining Regulations.

**DUTIES OF THE MINISTER**

The Minister is required to:

- collect and publish full statistics on mining in Canada;
- make investigations to determine the extent and character of ore bodies and deposits of economic minerals;
- make a survey of the geological structure and mineralogy of Canada; and
- collect and prepare for exhibition, specimens of the different ores and associated rocks and minerals of Canada.

In carrying out these responsibilities, the Minister may cooperate with the provinces, territories and municipalities.

ENVIRONMENT CANADA

Department of Energy, Mines and Petroleum Resources - November, 1991

## CANADIAN ENVIRONMENTAL PROTECTION ACT (CEPA)

**GENERAL DESCRIPTION**

CEPA provides the legislative means to protect the environment and human health by controlling sources of toxic substances entering the environment.

The Act provides for:

- control of the "life cycle" of toxic substances, from their development, manufacture, transportation, storage and use, to their ultimate disposal;
- regulation of air emissions and liquid effluent as well as all waste handling and disposal practices of all federal departments and agencies;
- control of dumping at sea from ships, barges, aircraft, and man-made structures, and;
- control of trans-boundary air pollution and the concentrations of elements, components and additives in fuels.

**ENVIRONMENTAL QUALITY OBJECTIVES, GUIDELINES AND CODES OF PRACTICE**

CEPA empowers the federal government to collect and publish environmental data and research and formulate objectives, guidelines and codes of practice governing: treating, storing, and releasing substances into the environment; works, undertakings or activities that affect or may affect the environment, and conservation of natural resources and sustainable development. The guidelines and codes of practice may specify procedures, practices or release limits for environmental controls relating to works, undertakings and activities during any phase of their development and operation, including the location, design, construction, start-up, closure, dismantling and clean-up phases and any subsequent monitoring activities.

**ADMINISTRATIVE DUTIES**

To administrate the Act, the government can take preventative and remedial measures to protect the environment; facilitate the protection of the environment by Canadians; and apply knowledge, science and technology to resolve environmental problems.

**TOXIC SUBSTANCES**

CEPA defines a substance as toxic if it may or has entered the environment in quantities, concentrations, or under conditions that may cause near- or long-term harmful effects on the environment. Substances defined by CEPA as toxic include asbestos, lead and mercury.

## CANADIAN ENVIRONMENTAL PROTECTION ACT (CEPA) - CONTINUED

**REGULATION OF TOXIC SUBSTANCES**

Toxic substances may be regulated in matters of:

- limits to quantities or concentrations released to the environment, where substances may be released, nature of activities releasing substances, and the manner and conditions of release;
- manufacture, processing, use, sale, purposes for use, import, export, quantity and concentrations used;
- handling, packaging, transport, labelling;
- disposal methods, and;
- sampling methods, monitoring, testing and analyzing.

**RELEASE OF TOXIC SUBSTANCES**

The person owning or in charge of the substance or the person causing or contributing to the release must: report the release to an Inspector designated under the Act; take preventative or mitigative measures to remedy danger to the environment or human health; and make reasonable efforts to notify those members of the public likely to be adversely affected by the release.

**EXPORT AND IMPORT OF TOXIC SUBSTANCES AND WASTE MATERIALS**

The export of prohibited substances, defined by CEPA to include mercury and mercury compounds and high-level radioactive wastes or other high-level radioactive matter, is prohibited except for the purpose of destroying the substance.

Under certain circumstances, notification may be required to export restricted substances, defined by CEPA to include: arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium and the compounds of these substances; and radioactive materials not covered under prohibited substances.

**OFFENSES AND PUNISHMENT**

Individuals or corporations found guilty of violating the Act may be subject to fines of up to $1 million per day and up to five years imprisonment. In addition, the Court may require the polluters to pay the clean-up costs.

The officer, director or agent of any corporation, who directed, authorized, assented to, acquiesced in or participated in any violation of CEPA can be convicted and punished, whether or not the corporation has been prosecuted or convicted.

## ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS GUIDELINES

**GENERAL DESCRIPTION**

Based on recent decisions by the Federal Court of Canada, the Environmental Assessment and Review Process (EARP) Guidelines, issued by an Order-in-Council, are considered to be a "law of general application", similar to a Regulation, and the application of the process is mandatory. The Guidelines form part of the planning process to ensure consideration of possible environmental effects of proposed projects.

The Federal Environmental Assessment Review Office (FEARO) administers EARP. The Executive Chairman of FEARO reports directly to the Minister of the Environment.

**APPLICATION**

The objective of the Guidelines is to ensure that the environmental consequences of all federal projects and activities are assessed before final decisions are taken. The EARP guidelines apply to all federal proposals and those outside the federal government for projects:

- that may have an environmental effect on an area of federal responsibility,
- for which the federal government makes a financial commitment; or
- that are on lands, including the offshore, that are administered by the federal government.

**INITIAL ASSESSMENT**

The federal department or agency with decision making authority for the proposed project, referred to in the guidelines as the initiating department, completes an initial environmental screening or assessment to determine whether the proposed project may have potentially adverse environmental effects. Documentation generated during the initial screening is made available to the public and public information programs may be carried out.

**PUBLIC REVIEW**

The Minister of the initiating department may refer those proposed projects that have potentially significant environmental effects or that are the object of serious public concerns to the Minister of the Environment who will refer the project to FEARO for a public review by an Environmental Assessment Panel. The Panel is an independent body. Panel members, chosen for their objectivity, public credibility and special knowledge of factors associated with the proposed project, are appointed by the Minister of the Environment.

The Minister of the Environment, after consultation with the Minister of the initiating department, issues a terms of reference outlining the scope of the public review. The review includes an examination of the environmental effects and directly related social impacts of the

## ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS GUIDELINES - CONTINUED

proposed project and may include such matters as the general socio-economic effects of the proposal and the technological assessment of, and need for, the proposed project.

The Panel establishes its own operating procedure in accordance with FEARO guidelines. Public hearings are conducted in an informal but structured fashion. The Panel conducts a public information program advising of its review and ensuring that the public has access to all relevant information. During this process the Panel may hold "scoping sessions" or public information sessions to identify the central issues for the Environmental Impact Statement (EIS). The Panel drafts guidelines for the proponent's preparation of the EIS.

**EIS**

The EIS is the basis of the formal public review and describes the project, location, need for the project, and alternate methods for achieving the project. The EIS considers the area's existing environment and current patterns of resource use, and the potential environmental effects which may include the socio-economic effects if stipulated for the particular project.

The EIS is made available to the public and various government and non-governmental agencies for review. The Panel may prepare a list of deficiencies and clarifications required before the review is be completed. After studying the EIS and reviewing public response to the EIS, the Panel reports its findings and recommendations to the Minister of the Environment and the Minister of the initiating department. The Ministers' decisions about the project, based on the Panel's recommendations, are incorporated into the project proposal and subsequent monitoring programs.

**RESPONSIBILITIES OF THE PROPONENT**

During the public review process, the proponent must

- prepare the EIS along with supporting documents;
- submit to the Panel, in such languages deemed appropriate by the Panel, sufficient copies of the EIS and supporting documents as are required for the public review process;
- implement a public information program explaining the proposed project and its potential environmental impact;
- respond to any deficiencies outlined by the Panel and prepare sufficient copies of additional information in the appropriate languages;
- ensure that senior officials and expert staff are present at public hearings to make appropriate presentations and respond to questions; and
- ensure that post-assessment monitoring, surveillance and reporting, as required by the initiating department are carried out.

## ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS GUIDELINES - CONTINUED

**JOINT REVIEWS**

Where territorial interests are affected, the decision to seek a public review is the subject of consultation with the affected territory: FEARO has the responsibility of coordinating those consultations for review.

## MIGRATORY BIRDS CONVENTION ACT

**GENERAL DESCRIPTION**

The Migratory Bird Sanctuary Regulations under the Act provides for the protection of migratory birds by establishing migratory bird sanctuaries and bird habitats. Under permit, economic and industrial activities are allowed as long as they do not threaten migratory birds and their habitat. Hunting or disturbing migratory birds, disturbing nests or eggs, and entering sensitive areas during certain times of year is prohibited.

**PROCEDURE**

Permits are available from the Canadian Wildlife Service and are issued in consultation with the communities nearest to the sanctuary.

## NATIONAL PARKS ACT

**GENERAL DESCRIPTION**

The Act provides for the establishment, protection and maintenance of National Parks and National Historic Parks.

A Policy was issued in 1979 outlining directions for the Canadian Parks Service, and guidance for other agencies, organizations, and the public on how to protect and preserve Canada's natural and historical heritage.

**GENERAL PURPOSES**

Subject to the Act and Regulations, National Parks and National Historic Parks shall be maintained and used in a way that leaves them unimpaired for the enjoyment of future generations.

**PROCEDURE**

Potential park sites have been identified. They will be incorporated into the parks system subject to available funding, and negotiations with local governments and organizations.

Lands can be withdrawn under the Territorial Lands Act for national park purposes, pending establishment of a National Park.

## CANADA WILDLIFE ACT

**GENERAL DESCRIPTION**

The Act was established to promote research, conservation, and interpretation of wildlife populations and their habitats. In this context, "wildlife" refers to any non-domesticated animal.

A variety of economic and industrial activities may be allowed in national wildlife areas, including regulated hunting of any species, trapping, fishing, and tourism, provided that they do not threaten wildlife or their habitat.

Polar Bear Pass, central Bathurst Island, is presently the only National Wildlife Area in the NWT.

**PROCEDURE**

National Wildlife Areas (NWA) are managed in cooperation with other groups, agencies or governments. Regulations may be amended by posted or newspaper notices. Permits are issued in consultation with the nearest communities. These areas may be used to protect all species of wildlife, including endangered species. NWA are a very flexible tool to protect an area and its wildlife.

**FISHERIES AND OCEANS (DFO)**

Department of Energy, Mines and Petroleum Resources - November, 1991

## FISHERIES ACT

**GENERAL DESCRIPTION**

The intent of the Fisheries Act is to protect fish, marine mammals, and their habitats. This responsibility is shared between the Ministers of Environment and Fisheries and Oceans.

**HABITAT PROTECTION PROVISIONS**

DFO administers the habitat protection provisions of the Act which prohibit harmful alteration, disruption or destruction of fish habitats. The provisions include requirements for constructing fish-ways to allow unobstructed fish passage and fish guards on water intakes to prevent fish entrainment; and prohibitions against blocking stream channels and obstructing fish passage.

**PLANS AND SPECIFICATIONS**

DFO may require specific information from anyone proposing or carrying on work that is will result in, or is likely to:

- alter, disrupt or destroy fish habitat; or
- deposit a deleterious substance in water frequented by fish.

**EXCEPTIONS**

Alteration, disruption or destruction of habitat may be authorized by the Minister or under regulations made by the Governor in Council.

**HABITAT MANAGEMENT POLICY**

The policy objective is to achieve a net gain of fish habitat using the guiding principle of no net loss of habitat. Where habitat loss is unavoidable, attempts will be made to replace habitat. The Habitat Management Policy applies in the NWT where the federal government has direct management responsibilities for fisheries. The policy is implemented through inter-agency cooperative arrangements and uses established review procedures. DFO reviews generally follow six steps:

- Notification
- Examination
- Consultation
- Decision
- Audit
- Enforcement

**DELETERIOUS SUBSTANCES**

The deposit of a deleterious substance violates the Fisheries Act unless the deposit has been permitted by a Fisheries Act Regulation or another federal law. Environment Canada administers the section of the Act prohibiting direct or indirect deposit of deleterious substances of any type in water frequented by fish.

**FISHERIES ACT**
**Metal Mining and Liquid Effluent Regulations (MMLER)**

**GENERAL DESCRIPTION**

Environment Canada EPS regulates point-source pollution based on the application of "best practicable technology" and has developed effluent quality standards from recommendations of a joint public-private sector task force.

In most mining operations, best practicable technology consists of appropriate pH adjustment of effluents followed by adequate removal of tailings and metallic precipitates.

**REGULATIONS**

MMLER apply to every new, re-opened or expanded metal mine, with the exception of gold mines using cyanidation for extracting ore. The regulations classify the following as deleterious substances:

- Arsenic
- Copper
- Lead
- Nickel
- Zinc
- Total suspended matter
- Radium 226

**FISHERIES ACT**
**Metal Mining Liquid Effluent Regulations - Continued**

**TAILINGS**

Mine operators may deposit a deleterious substance in any quantity or concentration into a tailings impoundment area. If the effluent from a tailings area is being deposited in water frequented by fish (which, unless specifically designated, includes all waters in the NWT), it must conform to the requirements in Schedule 1.

**SCHEDULE 1**
**PART 1: AUTHORIZED LEVELS OF SUBSTANCE**

| Item | Substance | Column I<br>Maximum Authorized Monthly Arithmetic Mean Concentration* | Column II<br>Maximum Authorized Concentration in a Composite Sample | Column III<br>Maximum Authorized Concentration in a Grab Sample |
|---|---|---|---|---|
| 1. | Arsenic | 0.5 mg/l | 0.75 mg/l | 1.0 mg/l |
| 2. | Copper | 0.3 mg/l | 0.45 mg/l | 0.6 mg/l |
| 3. | Lead | 0.2 mg/l | 0.30 mg/l | 0.4 mg/l |
| 4. | Nickel | 0.5 mg/l | 0.75 mg/l | 1.0 mg/l |
| 5. | Zinc | 0.5 mg/l | 0.75 mg/l | 1.0 mg/l |
| 6. | Total Suspended Matter | 25.0 mg/l | 37.5 mg/l | 50.0 mg/l |
| 7. | Radium 226 | 10.0 pCi/l | 20.0 pCi/l | 30.0 pCi/l |

**PART 2: AUTHORIZED LEVELS OF pH**

| Parameter | Column I<br>Maximum Authorized Monthly Arithmetic Mean pH | Column II<br>Maximum Authorized pH in a Composite Sample | Column III<br>Maximum Authorized pH in a Grab Sample |
|---|---|---|---|
| pH | 6.0 | 5.5 | 5.0 |

* Concentrations for items 1-6 are "total metal" concentrations which include both dissolved and solid forms of metals. Ra 226 is expressed in soluble form only.

**WATER SAMPLING AND ANALYSIS**

The mine operator must maintain facilities for sampling and analyzing effluent.

**FISHERIES ACT**
**Metal Mining Liquid Effluent Regulations - Continued**

**REPORT FREQUENCY AND CONTENT**

The MMLER require the mine operator to send the Regional Director of EPS a monthly report containing the following information based on water sampling and analysis:

- concentrations of deleterious substances in all samples taken;
- arithmetic mean concentrations of deleterious substances;
- pH of all samples; and
- method of sample collection.

Additionally, plans may be requested which clearly detail the manner in which a mine operator plans to, or has, constructed facilities which:

- minimize the volume of fresh water required in the operation;
- maximize recycling and re-use of water;
- minimize the volume of effluent deposited;
- segregate and divert both contaminated and uncontaminated surface drainage; and
- collect and treat contaminated surface drainage, where applicable.

**FISHERIES ACT**
**Metal Mining Liquid Effluent Regulations - Continued**

**FREQUENCY OF SAMPLING**

New mines must sample and analyze effluents weekly for the first six months of operation. Depending on the results from the first six months, the frequency may be reduced according to the following:

| Item | Substance | Column I<br>At least weekly for concentrations>= | Column II<br>At least every two weeks for concentrations>= | Column III<br>At least monthly for concentrations>= |
|---|---|---|---|---|
| 1. | Arsenic | 0.5 mg/l | 0.2 mg/l | 0.10 mg/l |
| 2. | Copper | 0.3 mg/l | 0.1 mg/l | 0.05 mg/l |
| 3. | Lead | 0.2 mg/l | 0.1 mg/l | 0.05 mg/l |
| 4. | Nickel | 0.5 mg/l | 0.2 mg/l | 0.10 mg/l |
| 5. | Zinc | 0.5 mg/l | 0.2 mg/l | 0.10 mg/l |
| 6. | Total Suspended Matter | 25.0 mg/l | 20.0 mg/l | 15.0 mg/l |
| 7. | Radium 226 | 10.0 pCi/l | 5.0 pCi/l | 2.5 pCi/l |

NOTE: All concentrations given are total values with the exception of Radium 226 which is a dissolved value after filtering the sample through a 3 micron filter. Radium 226 need only be measured in at mines handling radioactive ore.

**FLOW MEASUREMENT**

Monitoring facilities should be installed and maintained for periodic determination of the volume of effluent released each month.

**REFERENCES AND GUIDES**

"Guidelines for the Control of Liquid Effluents from Metal Mines" provide flexibility for the EPS and mine operators to negotiate and implement a compliance schedule.

"Guidelines for the Measurement of Acute Lethality in Liquid Effluents from Metal Mines", applies to every metal mine except gold mines.

"Environmental Code of Practice for Mines" expresses the EPS standards of good practice in the design and operation of a plant to minimize water pollution.

EPS Publication EPS 3-WP-75-5, "Mine and Mill Wastewater Treatment."

# INVESTMENT CANADA

Department of Energy, Mines and Petroleum Resources - November, 1991

## INVESTMENT CANADA ACT

**GENERAL DESCRIPTION**

The Act establishes Investment Canada, with a mandate to encourage and facilitate investments in Canada and ensure benefit to Canadians. It provides for a review of large acquisitions in Canada by non-Canadians to ensure that they will likely benefit Canada. For small acquisitions or establishing new businesses, non-Canadian investors need only notify Investment Canada of their investment.

The Agency will encourage business investment by appropriate means and assist Canadian businesses in activities including: exploiting investment opportunities and technological advances; assisting in developing industrial and economic policies that offer investment opportunities; and ensuring that notification review of investments are carried out.

**INVESTMENTS SUBJECT TO NOTIFICATION**

Foreign investors in new Canadian businesses (regardless of size), direct acquisitions of Canadian businesses with assets under five million ($100 million for American investors in 1991) and most indirect acquisitions of Canadian business with assets under fifty million ($500 million for American investors in 1991) must provide the agency with a brief statement of information about the investment, as described in the Investment Canada Regulations.

**FOREIGN OWNERSHIP OF URANIUM MINES**

Canadians must own at least 51% of an individual uranium property when it comes into production. A reduction from the 51% minimum Canadian participation level may be permitted in cases where a project is controlled by Canadians,.

**INVESTMENTS SUBJECT TO REVIEW**

Reviews are required of all direct acquisitions of Canadian businesses with assets of $5 million or more, all indirect acquisitions of Canadian businesses with assets of $50 million or more, and indirect acquisitions of Canadian businesses with assets between $5 million and $50 million which represent more than 50% of the value of the total international transaction. Specific acquisitions of new businesses which are designated relating to Canada's cultural heritage or national identity could be subject to review.

Under the Free Trade Agreement with the U.S.A., Canada has agreed to phase in new rules governing acquisition of controlling interest in a Canadian business by an American. For direct acquisition of controlling interest in a Canadian business, the Act defines threshold investments which would require a review.

## INVESTMENT CANADA ACT - CONTINUED

**REVIEW PROCEDURE**

Application for review is normally filed with the Agency prior to the investment which may not be implemented until the review has been completed. Certain exceptions may apply. Applications concerning indirect acquisitions may be filed up to 30 days after the investment is implemented; applications concerning investments in culturally-sensitive sectors are required upon receipt of a notice for review. The Minister may permit implementation of an investment prior to completing the review if satisfied that delay would cause undue hardship to the investor or jeopardize the operations of the Canadian business investment.

INDIAN AND NORTHERN AFFAIRS (DIAND)

Department of Energy, Mines and Petroleum Resources - November, 1991

## TERRITORIAL LANDS ACT



**GENERAL DESCRIPTION**

The Act authorizes and regulates sale, lease or other disposition of territorial Crown lands, including granting rights-of-way under specified terms and conditions.

The Governor in Council may, by stating the reasons for withdrawal, order withdrawal of tracts of land from disposal under this Act including burial grounds, historic sites, game reserves and sanctuaries, bird sanctuaries, and areas of land as may be necessary to enable the Government of Canada to fulfil obligations under treaties with the Native Indians.

The Act applies to federal Crown lands (Territorial Lands as defined in the Act) in the NWT administered by DIAND.

**REGULATIONS**

Territorial Lands Regulations - apply to long term use and/or occupancy of Crown land and requires that a Lease, Licence or Agreement of Sale be obtained.

Territorial Land Use Regulations - requires land-use permits as a means of controlling land-use activities including establishing camps, constructing access roads, drilling operations, heavy equipment use and establishing fuel caches.

Canada Mining Regulations - regulate the disposition of mineral rights in the NWT.

Territorial Quarrying Regulations - regulate the quarrying of sand, gravel, stone, topsoil, peat and other similar granular materials from federal Crown lands.

Territorial Coal Regulations - governs the exploration for, and extraction of, coal.

Territorial Dredging Regulations - governs the disposition of leases and rights to dredge for minerals in submerged river beds.

**RELATED PROCEDURES**

LAC - concerns land tenure applications.
NWT Water Board - concerns water licences, terms and conditions.
EISC - established to conduct the initial environmental evaluation of development proposals and determine if a full environment assessment should be made.
EIRB - reviews project proposals referred by EISC and recommends to the appropriate authority whether the proposal should proceed and on what terms and conditions.

**PUBLIC CONSULTATION**

DIAND routinely consults with northern organizations through LAC. DIAND District Managers refer land-use permit applications to community councils in the relevant locale. Daily operations of District Mining Recorders, District Managers and regional offices involve discussions between senior DIAND officials (both Regional and Headquarters) and Northerners to identify individual and group concerns regarding specific resource development projects and associated issues. DIAND officials often advise proponents to consult with communities and other local bodies such as the:

EIRB - public meetings.
EISC - public meetings.
NWT Water Board - hearings and invitations for comment.
GNWT Resource Development Policy through DIZ groups.
EARP - invitations for comment and possibly formal review.

**TERRITORIAL LANDS ACT**
**Territorial Lands Regulations**



**GENERAL DESCRIPTION**

Regulations require land tenure for any long-term activity on territorial (Crown) land, through the sale or lease of lands. Leases, which do not confer title or subsurface rights to land, are issued for specific terms and uses including mine surface infrastructure. Leases may be required for airstrips, roads, and staging areas.

**PROCEDURE**

An application for surface tenure is subject to the Land Tenure Agreement Review Process which considers whether the proposal conforms to government land-use policies and sound land management practices. Applications are screened by the Regional Manager of Land Resources based on requirements for adequate description and information on proposed use, and consistency with government policy.

Accepted applications are forwarded to the LAC for review. LAC, chaired by DIAND, coordinates land management work by the federal government and advises DIAND on land tenure considerations. Native organizations are also asked for comments on applications and may participate in LAC meetings. Any application may be referred to the RERC.

**REFERENCES AND GUIDES**

Environmental Screening Guidelines (DIAND).

Guidelines for Preparing Initial Environmental Evaluations (DIAND).

Guidelines for Preparation of an Environmental Impact Statement (FEARO) - for major projects.

**GENERAL DESCRIPTION**

Regulations require Land-use permits be obtained for short-term activity on territorial (Crown) land.

Most operations on Crown Land in the NWT require a Class A or B land-use permit which must be displayed at the work site. Exceptions include: prospecting and locating a mineral claim (provided no machinery is used) or activities where the federal government has transferred or granted surface rights to another party.

Class A permits are required for the:

- use, in any 30 day period, of more than 150 kg of explosives;
- use, except on a federally maintained public road or trail, of any vehicle that exceeds 10 t net vehicle weight;
- use of any power driven machinery for earth drilling purposes whose operating weight, excluding the weight of drill rods or stems, bits, pumps and other ancillary equipment, exceeds 2.5 t;
- establishment of any campsite that is to be used for more than 400 person-days;
- establishment of any petroleum fuel storage facility exceeding 80,000 *l* capacity or the use of a single container for the storage of petroleum fuel that has a capacity exceeding 4,000 *l*;
- use of any self-propelled power driven machine for hydraulic prospecting, moving earth or clearing land, other than a power saw; or
- levelling, grading, clearing, cutting or snowploughing any line, trail or right-of-way exceeding 1.5 m in width and exceeding 4 ha in area.

Class B permits are required for the:

- use, in any 30 day period, of more than 50 kg but less than 150 kg of explosives;
- use, except on a federally maintained public road or trail, of any vehicle that is more than 5 t but less than 10 t net vehicle weight, or the use of any vehicle of any weight that exerts pressure on the ground in excess of 35 kpa;
- use of any power driven machinery for earth drilling purposes whose operating weight, excluding the weight of drill rods or stems and bits, pumps and other ancillary equipment, is more than 500 kg but less than 2.5 t;
- establishment of any campsite that is to be used by more than two people for more than 100 but less than 400 man-days;
- establishment of any petroleum fuel storage facility that has a capacity of more than 4000 *l* but less than 80,000 *l* or the use of a single container for the storage of petroleum fuel that has a capacity of more than 2000 *l* but less than 4000 *l*; or
- levelling, grading, clearing, cutting or snowploughing of any line,

trail or right-of-way exceeding 1.5 m in width but not exceeding 4 ha in area.

**PROCEDURE**

Applications for land-use permits are subject to the Land-use Application Review Process which includes review by LAC. The scope of the process is restricted to environmental considerations of proposed land-use activities. LAC includes members from federal departments, the GNWT and native and public organizations. It functions by meetings and, more often, through correspondence.

Applications for Class A permits are reviewed by LAC which advises the Chairman of environmental concerns, based in part on comments received from community councils and native groups, existing legislation, and suggested mitigation.

For all land-use permits, land-use inspections are carried out during, and at the conclusion of the operation to monitor adherence to land-use permit conditions, and proper site restoration.

**REFERENCES AND GUIDES**

Environmental Guidelines, Pits and Quarries (DIAND).

Environmental Operating Guidelines, Access Roads and Trails (DIAND).

Reclamation Guidelines for Northern Canada (DIAND).

A Guide to Territorial Land Use Regulations (DIAND).

Northern Natural Resource Development: Requirements Procedures and Legislation (DIAND).

Land Use Guidelines: Mineral Exploration (DIAND).

**TERRITORIAL LANDS ACT:**
**Canada Mining Regulations**



**GENERAL DESCRIPTION**

The Regulations govern mining rights, collection of royalties, representation work, and license requirements for mineral exploration and development in the NWT.

**PROCEDURE**

Prospecting (staking) licences are required, issued by the DIAND Mining Recorders' Office in Yellowknife. An individual prospecting licence is available to any person over 17 years in age, and company licences are available to any corporation registered in the NWT.

A prospecting licence does not confer the right to enter, prospect, or locate mineral claims on lands:

- to which the National Parks Act applies;
- used as a cemetery or burial ground;
- covered by a claim in good standing;
- where the minerals have been granted or leased;
- set apart and appropriated by the Governor in Council;
- administered or controlled by the Minister of National Defense, the Minister of Transport or the Minister of Energy, Mines and Resources without written consent from the Minister or;
- where surface rights have been granted or leased unless the surface rights holder consents to entry.

Claims are located by erecting claim posts, identified by the corresponding claim tag, at each corner of the claim. Boundaries must be oriented north-south and east-west, and marked by blazing trees, cutting underbrush and placing boundary posts no more than 1500 ft apart. North of the treeline, mounds of earth or stone can be used in place of claim and boundary posts. Claims must be recorded within 60 days of locating them.

**REPRESENTATION WORK**

Work consisting of:

- stripping, drilling, trenching, sinking shafts and driving adits or drifting;
- geological, geochemical, geophysical or other exploratory work approved by an Engineer of Mines;
- a survey of the claim approved by the Surveyor General and;
- work done in constructing roads or airstrips to provide access to the claim;

may be filed for representation.

Representation work to the value of $4.00 per acre must be filed within two years from the date of recording the claim, and to the value of $2.00 per acre for each year thereafter.

The recorded holder of a mineral claim may apply for a 21 year

lease providing at least $10 per acre representation work and a legal perimeter survey has been posted and recorded. A lease must be obtained if more than $100,000 of ore has been removed from the claim.

**PROSPECTING PERMITS**

Prospecting permits may be applied for during the month of December and are issued on the following February 1st of each year. Permits range in size from 36,000 to 71,000 acres and are valid for three years south of 68° or for five years north of 68°. After required representation work has been conducted on a permit, claims may be staked.

**ROYALTIES**

Annual royalties shall be paid each fiscal year on the value of production from the mine that exceeds $10,000 according to the following percentages on production value:

- 3% on production value exceeding $10,000, but not exceeding $1,000,000
- 5% on production value exceeding $1,000,000 but not exceeding $5,000,000
- 6% on production value exceeding $5,000,000 but not exceeding $10,000,000.

Where the production value exceeds $10,000,000, royalties increase proportionally 1% for each additional $5,000,000 in excess of $10,000,000 to a maximum of 12%.

**PROHIBITIONS AND RESERVATIONS**

Where a substance likely to be harmful to humans, animals or vegetation is discharged from a mining operation or claim, the Minister may issue a written order requiring the responsible person to:

- treat the substance before it is discharged so it is no longer harmful;
- limit the discharge in the manner ordered by the Minister or;
- cease all operations causing the discharge.

**ASSAY COUPONS**

A licensee may apply to a Mining Recorder for 10 non-transferable assay coupons per year, which, when submitted to an assay office approved by the federal government entitles the holder of the coupon to one free assay.

**DIAMOND DRILLING REPORTS**

No person shall begin any drilling program without notice to the Engineer of Mines. During drilling, a "Form 20" must be filed with the Engineer of Mines showing the number of holes and the footage drilled during that month. If requested by the claim holder, information on Form 20 will be held confidential for a period of three years from filing, or until the claim lapses.

**REFERENCES AND GUIDES**

Land Use Guidelines, Mineral Exploration, Yukon and Northwest Territories (DIAND).

Land Use Guidelines, Access Roads and Trails (DIAND).

Guidelines for Preparing Initial Environmental Evaluations, Federal Environment Assessment and Review Office (FEARO).

Guidelines for Preparation of an Environmental Impact Statement (Environment Canada).

Northern Natural Resource Development: Requirements, Procedures, and Legislation (DIAND).

How to Obtain Mining Rights in the Northwest Territories (DIAND).

Guidelines for Tailings Impoundment in the Northwest Territories (NWT Water Board).

NWT Resource Development Guidelines - indicates specific GNWT objectives on resource development community consultation process.

NWT Compensation Guidelines - re: guidelines on compensation from prospective developers, social, cultural and environmental impacts.

**TERRITORIAL LANDS ACT:**
**Territorial Quarrying Regulations** **5.13.9**

**GENERAL DESCRIPTION**

Regulates quarrying of sand, gravel, stone, topsoil, peat and other similar granular materials from Crown lands.

**PROCEDURE**

Permits are issued free of charge to any resident to remove up to 37.5$m^3$ (50 cubic yards) of sand, gravel, stone or 20$m^3$ (15 cubic yards) of loam in any one year for private non-commercial use. Commercial users pay an application fee plus a royalty to the Crown for each cubic yard (0.75$m^3$) of material quarried.

**REFERENCES AND GUIDES**

Land Use Guidelines, Access Roads and Trails (DIAND).

Land Use Guidelines, Pits and Quarries (DIAND).

Reclamation Guidelines for Northern Canada (DIAND).

Northern Natural Resource Development: Requirements, Procedures and Legislation (DIAND).

**TERRITORIAL LANDS ACT:**
**Territorial Coal Regulations**

**5.13.10**

**GENERAL DESCRIPTION**

The Territorial Coal Regulations govern the disposition of coal rights in Yukon and NWT. New draft regulations have been prepared which are similar to the existing Canada Mining Regulations.

**PROCEDURE**

A three year exploration license allowing exploration of large areas confers exclusive rights to stake one location of one square mile for conversion to lease. The location may be leased for a term of 21 years by application to the Mining Recorder.

**REFERENCES AND GUIDES**

Land Use Guidelines Mineral Exploration, Yukon and Northwest Territories (DIAND).

Land Use Guidelines, Access Roads & Trails (DIAND).

Reclamation Guidelines for Northern Canada (DIAND).

Environmental Screening Guidelines (DIAND).

**TERRITORIAL LANDS ACT:**
**Territorial Dredging Regulations**

**5.13.11**

| | |
|---|---|
| **GENERAL DESCRIPTION** | Regulations govern dredging rights for minerals in submerged river beds in the NWT. |
| **PROCEDURE** | A 15 year lease may be obtained. |
| **REFERENCES AND GUIDES** | Land Use Guidelines, Access Roads and Trails (DIAND). |

## INDIAN ACT



**GENERAL DESCRIPTION**

The Act regulates access to lands within the Hay River Reserve and development of mineral resources on these lands. Band approval must be acquired prior to obtaining necessary government licences and permits. Initial application can be made to the Regional Office of DIAND.

**PROSPECTING LICENCE**

A non-exclusive prospecting licence, which does not grant mineral rights, may be issued by the Director, Resource Development, Economic Development Sector (DIAND), under the approval of the Band Council.

**MINERAL SURRENDER**

Mineral rights are obtained by means of a "mineral surrender" specified by regulations issued under the Act.

**PERMITS**

The Resource Development office issues exploration permits for a term of one year, with up to three extensions. The permit prohibits mineral production but allows removal of minerals for testing.

**DISPOSITION OF MINERALS**

After mineral surrender, disposition of minerals under the Indian Mining Regulations is arranged by either negotiation or public tender.

**LEASE**

A lease, valid for 10 years, may be selected from within the permit area and renewed subject to terms and conditions of the lease agreement.

The Indian Mining Regulations specify rentals, security deposits, royalties and assessment work necessary to obtain and retain extensions to these leases.

**SAND AND GRAVEL REMOVAL**

A permit is required to take sand, gravel and similar non-metallic substances from Indian Lands.

**NOTIFICATION**

The Director of Resource Development, Economic Development Sector (DIAND) must be notified within 10 days of commencing production or when an exploration permit or mining lease is terminated.

**INDIAN MINING REGULATIONS**

The Indian Mining Regulations issued under the Act govern the disposal of surrendered minerals.

**GENERAL DESCRIPTION**

This enactment of the Inuvialuit Final Agreement (IFA) establishes a 450,000 km$^2$ Settlement Region which includes the Inuvialuit Settlement Lands. The Settlement Lands comprise an area of 13,000 km$^2$ where the Inuvialuit own surface and subsurface rights and an area of 78,000 km$^2$ where the Inuvialuit own the surface rights and rights to aggregate.

The Act establishes an administering body, the Inuvialuit Lands Administration (ILA), and a process for screening and reviewing resource development proposals by the Environmental Impact Screening Committee (EISC) and the Environmental Impact Review Board (EIRB). The EISC and EIRB are joint government-native bodies with equal representation of government and the Inuvialuit. The bodies are responsible for undertaking environmental screening and assessment of development projects within the Inuvialuit Settlement Region.

**AGENCY**

The ILA is responsible for the supervision, management and administration of the Inuvialuit Settlement Lands. It's principal instrument of control is the Participation Agreement which is negotiated with prospective developers on most land-use matters. Under the terms of the IFA, developers who have valid rights issued by Canada are required to negotiate Participation Agreements with the Inuvialuit in each case where the developer needs access to or across Inuvialuit Settlement Lands. If an agreement cannot be reached, the matter is subject to a ruling of the Arbitration Board. These provisions are not applicable in cases where the Inuvialuit are negotiating directly with a developer on development of Inuvialuit controlled resources. The ILA deals with 19 types of licenses and permits for activities including commercial and residential activities, rights of way, quarries, roads, drilling and production.

Both federal and territorial governments participate in the environmental screening and review process. Federal and territorial legislation apply to projects as appropriate.

The EISC undertakes the initial environmental evaluation of project proposals to determine whether:

- the project poses no threat of significant negative impact potential and can proceed without further assessment;
- potential for significant negative impact is indicated and the project must be assessed and reviewed under the agreement; or
- the project proposal is deficient and requires additional information.

The EISC refers project proposals to the EIRB. If the EISC determines that a project could have significant negative impacts it

## WESTERN ARCTIC (INUVIALUIT) CLAIMS SETTLEMENT ACT - CONTINUED

may refer the project to an existing government impact review process, or to the EIRB for public review. The EIRB recommends, to the appropriate authority, whether a project should proceed and under what terms and conditions. It can also make recommendations on further review and wildlife compensation matters. It is foreseen that the process would be similar to and could stand for the formal Federal Environmental Assessment and Review Process.

**PROCEDURE**

Applications are forwarded to the EISC which conducts environmental screening on land-use applications, drilling authorities, and water-use applications whether for Crown lands or Inuvialuit Lands. The Committee can ask the project proponent to provide information at a level which is considered an Initial Environmental Evaluation under EARP Guidelines. The EISC would likely refer large scale projects such as hydrocarbon production facilities, directly to the EIRB.

**REFERENCES AND GUIDES**

Information Procedures: Developing in the Inuvialuit Settlement Region (DIAND).

## NORTHWEST TERRITORIES ACT



### GENERAL

The Northwest Territories Act empowers and defines the structure of the GNWT. Under the Act, the Commissioner and Deputy Commissioner of the NWT are appointed to administer the NWT, subject to instructions from time to time, by the Minister of DIAND or the Governor in Council. The Act also provides that the federal cabinet can disallow an ordinance for up to one year after passage by the GNWT.

### LEGISLATIVE POWERS

The Act delegates legislative powers to the Commissioner in Council. Powers of the GNWT that may relate to mineral resource management are:

- the licensing of any business, trade, calling, industry, employment or occupation in order to raise revenue for territorial, municipal or local purposes;
- property and civil rights in the territory;
- the administration of justice in the territory, including the constitution, maintenance and organization of territorial courts, both of civil and criminal jurisdiction, and including procedure and civil matters in those courts;
- the issuing of licences or permits to scientists or explorers to enter the territory or any part thereof and the prescription of the conditions under which such licences or permits may be issued and used;
- the preservation of game in the territories;
- generally, all matters of a merely local or private nature in the territory;
- the imposition of fines, penalties, imprisonment or other punishments in respect of the violation of the provisions of any ordinance; and
- such other matters as are from time to time designated by the Governor in Council.

**NORTHWEST TERRITORIES ACT**
**NWT Archaeological Sites Regulations** **5.16.2**

**GENERAL DESCRIPTION**

One of several regulations under this Act, the Northwest Territories Archaeological Sites Regulations may impact on mineral exploration and mining activities. This legislation is currently under review and the federal Archaeological Heritage Protection Act, not yet in force, will strengthen protection afforded archaeological sites by increasing the powers of existing regulatory agencies and by clearly delineating the responsibilities of mineral exploration companies, mining companies and the government in the conservation of archaeological sites.

If, during the course of mineral exploration or mining activity on federal land an archaeological site is encountered, the developer is responsible for safe-guarding the site and ensuring that possible impacts to it are mitigated by consultation with the Prince of Wales Heritage Centre. Excavation, removal or collection of archaeological artifacts is authorized by granting an Archaeologist's Permit only to qualified individuals.

Permits will not be issued for the removal or excavation of any structure or object that, in the opinion of the Minister of Indian and Northern Affairs, should be permanently preserved *in situ* as an object of scientific or historic interest.

**ARCHAEOLOGY PERMITS AND CONDITIONS**

The permit-granting system is administered by the Prince of Wales Northern Heritage Centre in Yellowknife. Regulations require that reports, supporting documentation and artifacts be submitted by the researcher to a specified repository, commonly, the Northern Heritage Centre or the Archaeological Survey of Canada in Ottawa.

**REFERENCES AND GUIDES**

Archaeological sites in the Northwest Territories - A notice to individuals or companies conducting land-use operations in the Northwest Territories (Culture and Communications, GNWT).

Guidelines for Developers for the Protection of Archaeological Resources in the NWT (Culture and Communications, GNWT).

# NWT WATER BOARD

Department of Energy, Mines and Petroleum Resources - November, 1991

## NORTHERN INLAND WATERS ACT

**GENERAL DESCRIPTION**

Regulates the conservation, development and use of water resources in the NWT and empowers the NWT Water Board to license water use and waste disposal.

Initial contact for licensees is the NWT Water Board. The Board comprises nine members appointed by the Minister of DIAND who also appoints the Chairman and Vice Chairman from the current members. Three of the nine members are nominated by the Commissioner in Council, one by the federal Minister of the Environment and one by the federal Minister of National Health and Welfare on the recommendation of the GNWT.

The NWT Water Board's Technical Advisory Committee, appointed by the Water Board, advises the Board on technical matters. Committee members are drawn from government and industry based on their expertise in various fields.

The Water Resources Division of the Northern Affairs Program (DIAND) enforces water use licenses, provides technical assistance and contacts for resource information.

**REQUIREMENTS**

A water licence is required for persons, companies, agencies or municipalities intending to use inland waters or deposit waste into water. Exceptions to this requirement are water use:

- for municipal purposes by an unincorporated settlement or a construction camp;
- water engineering purposes; or,
- any purpose at a rate not exceeding 227,250 litres of water per day.

However, a licence may be required if any of the above uses involves a deposition of waste.

**REVIEW PROCESS**

- Applications are received and reviewed by the Water Board to determine whether a licence is required and whether all required information has been submitted (the Board may refer the application to its Technical Advisory Committee to assist in making this determination);
- the Water Board publishes notice of the water licence application in the Canadian Gazette and local papers and invites interested parties to submit briefs at a public hearing;
- if public response dictates, a public meeting is held in the community nearest to the site of the proposed water use, to discuss the application;
- a review is completed by the Technical Advisory Committee;
- the Water Board recommends whether the licence should be

approved, and the conditions for approval;
- the Minister of DIAND approves the licence and attached conditions, or rejects the licence and returns it to the Water Board. The Minister does not have the authority to alter the conditions.

The applicant may be required to provide a security deposit of up to $100,000 or 10% of the capital costs of the project, whichever is greater. Field staff inspect the project during construction and operation to ensure water license conditions are adhered to.

**REFERENCES AND GUIDES**

Guidelines for Preparing Initial Environmental Evaluation (DIAND).

Guidelines for Preparation of an Environmental Impact Statement (FEARO).

Guidelines for Tailings Impoundment in the Northwest Territories (NWT Water Board).

Guidelines for Municipal Type Wastewater Discharges in the Northwest Territories (NWT Water Board).

Guidelines for Contingency Planning (NWT Water Board).

Guidelines for Abandonment and Restoration, Planning for Mines in the Northwest Territories (NWT Water Board).

Guidelines for Licence Applications and Public Hearings (NWT Water Board).

**TRANSPORT CANADA**

Department of Energy, Mines and Petroleum Resources - November, 1991

## TRANSPORTATION OF DANGEROUS GOODS ACT



**GENERAL DESCRIPTION**

The Act promotes public safety when shipping dangerous goods by any mode of transport including air, marine, rail and road. The Act applies to all handling, offering for transport and transporting of dangerous goods. The Regulations prescribe safety standards and requirements and provide a mechanism for communicating the relative degree and nature of the hazard.

**PROHIBITIONS**

No person shall handle, offer for transport or transport any dangerous goods unless:

- all applicable safety requirements are complied with; and
- all containers, packaging and means of transport comply with all applicable prescribed safety standards and display all applicable prescribed safety marks.

No person shall:

- put any prescribed safety mark on any container, packaging or means of transport used or intended for use in handling or transporting dangerous goods or:
- sell, offer for sale, deliver or distribute any container, packaging or means of transport used or intended for use in handling or transporting dangerous goods, or;
- sell, offer for sale, deliver or distribute any container, packaging or means of transport used or intended for use in handling or transporting dangerous goods on which any prescribed safety mark is displayed,

unless the container, packaging or means of transport complies with all applicable prescribed safety standards.

**SAFETY MARKS**

Safety marks are graphic symbols used to indicate the degree and nature of hazard of dangerous goods. Safety marks are applied to containers, packages, tanks and cylinders on transport units and include:

- labels indicating the primary classification of dangerous goods and, where applicable, the subsidiary classification. Unless otherwise specified, they must be applied to every small container, package and cylinder that contains dangerous goods and is to be offered for transport; and
- Placards, that must be visible from any direction, indicating the primary, and where applicable, subsidiary classification of dangerous goods by colour, symbol and in some cases product identification number.

**CLASSES OF DANGEROUS GOODS**

Under the Act, there are nine classes of dangerous goods:

Class 1 - Explosives as defined by the Explosives Act (5.4). Explosives are considered to be "compatible " with other explosive substances if they can be transported together without significantly

increasing either the probability of an accident, or, for a given quantity, the magnitude of the effects if an accident should occur.

Class 2 - Gases including flammable (for example, propane) and non-flammable, poisonous and non-poisonous, corrosive and non-corrosive gases.

Class 3 - Flammable liquids including liquids with flashpoints below 61°C such as gasoline and diesel.

Class 4 - Flammable solids.

Class 5 - Oxidizing substances and organic peroxides.

Class 6 - Poisonous and infectious substances including, for example, sodium cyanide.

Class 7 - Radioactive materials, for example, yellowcake.

Class 8 - Corrosive substances either solid or liquid, such as the acid used in batteries.

Class 9 - Miscellaneous products or substances, including miscellaneous items such as brake shoes (asbestos) and hazardous wastes produced by industrial processes.

**DECLARATIONS AND MANIFESTS**

All shipments of dangerous goods must be accompanied by a declaration and all shipments of hazardous wastes must be accompanied by a manifest.

## ARCTIC WATERS POLLUTION PREVENTION ACT

**GENERAL DESCRIPTION**

Regulates development and shipping activity in Canadian Arctic waters, prescribes limits of liability for unauthorized deposits of waste, establishes design requirements for vessels operating in Arctic waters and provides for the establishment of Shipping Safety Control Zones.

Transport Canada administers Arctic shipping, DIAND administers non-shipping activities and the EMR administers non-shipping activities in Hudson's Bay and Hudson Straits.

**PROCEDURE**

One or several of the following may apply:

- Certification of vessel compliance (Transport Canada).
- Certification of drill rigs, artificial islands (DIAND).
- Ocean Dumping Permit (Environment Canada).
- Dredging Permit (DIAND).
- Developments in the Inuvialuit Settlement Region must comply with:
  - Inuvialuit Environmental Impact Screening Committee (EISC) evaluations (5.15) and
  - Inuvialuit Impact Review Board (EIRB) recommendations, terms and conditions.

**REFERENCES AND GUIDES**

Environmental Screening Guidelines (DIAND).

Guidelines for Preparation of an Environmental Impact Statement (FEARO) - for major projects.

## NAVIGABLE WATERS PROTECTION ACT



### GENERAL DESCRIPTION

The Act protects the public's right to navigation by prohibiting the building or placement of any work in navigable waters without approval of the Minister of Transport. The term "navigable waters" includes any body of water created or altered as a result of the construction of any work. The term "work" includes any bridge, boom, dam, wharf, dock, pier, tunnel, pipe or any dumping of fill or excavation of materials from the bed of navigable water or anything affecting navigation.

The Act stipulates that no person shall deposit any material or rubbish into navigable water that is liable to interfere, in any way, with the navigation on navigable water or any water that flows into navigable water.

### REGULATIONS

The regulations cover the following topics:

- Buoys and Marks: all works must be marked in an approved manner.
- Equipment and Debris: all tools, equipment, vehicles, temporary structures and parts must be removed at the completion of the works. Also, all debris on the water surface or bed shall be removed.
- Dams: all dams shall be maintained with the possible requirement for log chutes. The Minister must be provided with information on flows, water elevations and all plans relating to navigation.
- Exploration and Development: all work for the purpose of exploration or development of natural resources from the waters must be provided with lights and a reliable sound signal. Identification as specified shall be installed on the work.

# 6. TERRITORIAL STATUTES

Department of Energy, Mines and Petroleum Resources - November, 1991

## 6.1 TERRITORIAL STATUTES - Overview

This section provides summaries of territorial statutes and policy guidelines, listed by administering department, which affect exploration and mineral development in the NWT.

# CULTURE AND COMMUNICATIONS

Department of Energy, Mines and Petroleum Resources - November, 1991

## HISTORICAL RESOURCES ACT

**GENERAL DESCRIPTION**

The Historical Resources Act, similar to the Archaeological Sites Regulations under the Northwest Territories Act (5.16), covers Commissioner's (Territorial) Lands. The Act is designed to protect and conserve sites and artifacts of cultural and/or historic significance. Under the Act, if any prehistoric or historic remains are threatened by mining, mineral exploration, commercial, industrial or other activities, the Commissioner may order the persons undertaking the activity to investigate, record and salvage the endangered resource. In practical terms, mitigative measures including survey, excavation, research and analysis by qualified people are required. The Commissioner may also acquire historic places or lands for the beneficial use of the Territories.

**REFERENCES AND GUIDES**

Archaeological sites in the Northwest Territories - A notice to individuals or companies conducting land use operations in the Northwest Territories (Culture and Communications, GNWT).

Guidelines for Developers for the Protection of Archaeological Resources in the Northwest Territories (Culture and Communications, GNWT).

## TERRITORIAL PARKS ACT

**GENERAL DESCRIPTION**

Territorial parks are established for outdoor recreation, education, convenience and comfort of the travelling public. They protect, commemorate and designate historic and archaeological sites.

A Parks Policy is being prepared to help clarify how parks are to be established and managed. Establishment of a park may present economic development opportunities. Environmental protection clauses in the Parks Act deal mainly with garbage disposal, sewage, refuse and noxious material.

**LAND USE CONTROLS**

Land and resource use compatible with park purposes are generally permitted. Upon application and the payment of a fee, a park use permit with prescribed terms and conditions may be issued, authorizing occupation or use of the surface of any land within Territorial Parks, or establishment and conduct of a business, commercial enterprise or industrial activity within a Territorial Park. Prospecting, staking of mineral claims, development of mineral interests or working of mines in territorial parks may be authorized.

**NO SURFACE RIGHTS**

The recorded holder of a mining claim or the holder of a permit does not acquire any right, title or interest in, or to, surface rights in the land.

In order to carry on mining operations, the District Manager or Superintendent in charge of a Territorial Park may permit interference with surface rights as considered necessary.

**EXECUTIVE**

Department of Energy, Mines and Petroleum Resources - November, 1991

## ENVIRONMENTAL PROTECTION ACT

**GENERAL DESCRIPTION**

To provide general environmental protection from contamination by hazardous substances.

**LAND-USE CONTROLS**

- prohibits discharge of contaminants to the environment that may impair the environment or adversely affect health, safety or comfort of people;
- may require installation of safeguards to prevent discharge of contaminants to the environment for any land-use operation;
- may require proper transport and storage of contaminants;
- may require contingency plans and equipment are in place at all times for cleaning up any spills;
- holds the party responsible for a spill, liable for clean-up and damages and;
- prohibits the owner or occupier of land to allow the lands to become unsightly, through the placing of litter or other things on the land, in comparison with other lands used for "similar purposes."

**FINES**

Individuals or corporations found guilty of violating the Act may be subject to fines of up to $1 million and up to two years imprisonment. Any violation of the Act is a continuing offense and separate charges may be laid for each day the offence continues with separate penalties for each conviction resulting from the charges.

**POWERS OF INSPECTORS**

RCMP Officers and Wildlife Officers appointed under the Wildlife Act are considered inspectors under this Act. Inspectors have the power of search and seizure.

## ENVIRONMENTAL RIGHTS ACT

**GENERAL DESCRIPTION**

The Act, primarily concerned with the release of contaminants, provides residents of the NWT with the right to a healthy environment and the right to take certain actions to protect the integrity, biological diversity and productivity of ecosystems in the NWT.

**ACCESS TO INFORMATION**

Residents of the NWT are given the right to access information in the possession of the GNWT concerning contaminants that are being or may be released into the environment. A request may be refused if it would threaten national or territorial security, reveal trade secrets, prejudice commercial competition or the administration of justice, be an unwarranted invasion of personal privacy or be improper for reasons of public policy. A refusal can be challenged in the Supreme Court where the onus of establishing that information should be withheld rests on the GNWT.

**INVESTIGATION**

Any two residents of the NWT over the age of 19 can request that the GNWT conduct an investigation of the release, or likely release of contaminants into the environment.

**PROSECUTION OF STATUTORY OFFENSES**

The Act reaffirms the right to bring private prosecution of environmental offenses.

**RIGHT TO PROTECT THE ENVIRONMENT**

Residents of the NWT may sue by way of an action in the Supreme Court to protect the environment from the release of contaminants except in circumstance where:

- the release of contaminants is and will remain entirely restricted to lands owned by the defendant or to lands where the owner has authorized the release of contaminants;
- the release does not and will not materially impair the quality of the environment, or;
- the defendant's activity complies with established standards.

Among the remedies available, the court may grant an interim or permanent injunction prohibiting the injurious activity. A defendant may be ordered to mitigate damages caused by the release, and pay either compensation or a fine or both. If a fine is levied, it is deposited in a special fund for the repair of damages caused by the release or for enhancement or improvement of the environment.

## ENVIRONMENTAL RIGHTS ACT - CONTINUED

**PROTECTION OF INFORMANTS**

The Act protects employees who have exercised any of the rights granted by the Act. The employee is protected from an employer's action of dismissal, threat of dismissal, discipline, suspension, penalty or intimidation. An employee is not protected when motivated primarily for the purpose of intimidating, coercing or embarrassing the employer or any other person. Any employer violating this section of the Act is liable to a possible combination of a fine or imprisonment and may be ordered to reinstate the employee with compensation for lost wages.

# HEALTH

Department of Energy, Mines and Petroleum Resources - November, 1991

## PUBLIC HEALTH ACT

**GENERAL DESCRIPTION**

In relation to the mining industry, this Act is concerned with the health and sanitary standards during operation of a mining camp, whereas the Mining Safety Act covers the working environment (mining activities).

**REGULATIONS**

A comprehensive list of requirements for camp operation is established by the Public Health and Sanitation and Medical Care of Camp Employees sections of the Act. These rules, orders and Regulations cover sanitary facilities, water supply, ventilation, lighting, food preparation areas, medical care, drainage, heating and general accommodation facilities.

**INSPECTORS**

Inspectors may enter camps at any time and where improper conditions exist, camps may be ordered closed by the Medical Health Officer.

**NOTICE OF CAMP OPENING AND CLOSING**

There are no stipulations in the Public Health and Sanitation regulations of the Act, requiring an employer to notify a Medical Health Officer of a camp opening or closing. This part of the Act is currently under review.

**JUSTICE**

Department of Energy, Mines and Petroleum Resources - November, 1991

## ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS ACT



**GENERAL DESCRIPTION**

The Act empowers the Association of Professional Engineers, Geologists and Geophysicists of the Northwest Territories (NAPEGG) to:

- regulate the practice of professional engineering, geology and geophysics in accordance with the Act and NAPEGG by-laws, and;
- establish and maintain standards of knowledge, skill, care and professional ethics among its members and licensees.

**ASSOCIATION OBJECTIVES**

Among other things, the Association establishes:

- a code of professional ethics, and;
- qualifications required to apply for registration.

**PRACTICE**

Only members, licensees or permit holders of NAPEGG shall:

- practice or offer to practice professional geology, engineering or geophysics, or;
- use the title "professional engineer", "professional geologist" or "professional geophysicist" or any other title suggesting that the person is a qualified professional engineer, geologist or geophysicist.

No person shall contract services of non-NAPEGG members or licensees, to practise professional engineering, geology or geophysics in the NWT.

**INTERPRETATION**

Under the Act, professional engineering is defined as application of scientific principles and knowledge to consult, investigate, evaluate, report, plan, design, inspect, prepare plans and specifications for, survey for, supervise, manage, research, co-ordinate design, or construction, or both, and direct the construction, technical inspection, maintenance or operation of works, systems, structures or processes.

Professional geology is defined as the application of geological principles or those related to subjects including economic and structural geology, mineralogy, paleontology, stratigraphy, sedimentation, petrology, geomorphology, photogeology and similar fields in activities aimed at discovering or developing hydrocarbons, minerals, precious stones or other natural resources or water, or investigating geological conditions.

Professional geophysics is defined as the application of principles of physics, mathematics or related subjects including elastic wave propagation, gravitational, magnetic and electrical fields, natural

radioactivity and similar fields to activities aimed at the discovery or development hydrocarbons, minerals, precious stones or other natural resources or water, or the investigation and measurement of the physical properties of the earth.

**EXEMPTIONS**

Professional engineering geology and geophysics does not include work carried on by a technician, technologist or a trainee under the direct supervision of a professional engineer, geologist or geophysicist; activities associated with the business of prospecting, or the routine maintenance and operation of geophysical instruments.

**REGISTRATION**

A NAPEGG Board of Examiners appraises the qualifications of applicants. Before approval for registration, the applicant shall:

- be a graduate of a university program in engineering, geology or geophysics approved by the Board, and;
- following graduation, have at least two years experience satisfactory to the Board, in the practice of engineering, geology or geophysics.

Graduates from programs not approved by the Board must pass confirmatory examinations, and applicants that have not graduated from a university program must pass confirmatory examinations and have at least six years experience in the practice of engineering, geology or geophysics.

Canadians are registered as members if they are resident in the NWT, or licensees if resident outside the NWT. Firms practising professional engineering, geology or geophysics are registered under a permit. Association members "in training", may practice under direct supervision of a professional engineer, geologist or geophysicist as the case may be. Council may require an applicant for registration to write a professional practice exam.

## SECURITIES ACT

### GENERAL DESCRIPTION

The Securities Act, which applies to all persons trading securities to residents of the NWT, prescribes registration requirements, exemptions from registration, and prospectus filing rules.

Descriptions of securities include:

- documents of title to, or interest in capital, assets, property, profits, earnings or royalties of any person or company;
- documents constituting evidence of an option, subscription or other interest in or to a security;
- profit-sharing agreements or certificates;
- certificates of interest in an oil, natural gas or mining lease, or claim or royalty voting trust certificates;
- any oil or natural gas royalties or leases of related fractional or other interests, and;
- any petroleum and natural gas exploration permits.

### EXEMPTIONS FROM REGISTRATION

Exemptions from registration include trades in good faith by a mining prospector issuing a security to finance a prospecting expedition, or disposing of interest in a mineral claim or property that the prospector staked or wholly or partially owns.

### INVESTIGATIONS

The Registrar may investigate matters relating to trading in securities. Investigations may include a thorough examination of all records and documentation pertaining to the business dealings of persons, companies and related companies involved in the trade.

If the Registrar plans to order an investigation, suspend or cancel the registration of any person or company, or where criminal proceedings have been instituted against any person or company, notification may be sent to the Mining Recorder. The notification of proceedings that may affect land or mining claims belonging to the person or company, is recorded against the mining claims. This has the same effect as recording a certificate of *lis pendens* (a pending suite).

### REGULATION OF TRADING

Securities issued by a mining company, investment company or industrial company, may not be traded unless:

- the person or company files a prospectus in accordance with the law of a province, or a statement of material facts filed with and acceptable to a stock exchange recognized by the Securities Commission.

The prospectus should include a fair and accurate summary of the report on the property and its development.

**EXEMPTIONS FROM FILING REQUIREMENTS**

Applicants can apply to the Registrar for a discretionary order that a prospectus or statement of material facts need not be filed.

**OWNER TO GIVE PRIORITY TO PROSPECTOR OR MINER**

Where a *bona fide* prospector or miner has become the owner of, or is beneficially entitled to a security in consideration of work, and where the security is in escrow under the control of the Registrar, the Registrar may, in releasing the security from escrow, give such priority or preference to the prospector or miner.

# MUNICIPAL AND COMMUNITY AFFAIRS (MACA)

Department of Energy, Mines and Petroleum Resources - November, 1991

## AREA DEVELOPMENT ACT

**GENERAL DESCRIPTION**

Where it is considered in the public interest to regulate for orderly development, the Commissioner may designate any portion of the NWT up to 150 miles$^2$ as a "Development Area".

This Act only applies to Commissioner's Lands.

**LAND-USE CONTROLS**

The Commissioner may make regulations in the "Development Area" respecting:

- allocation of land-use;
- regulation of building and development;
- siting of roads, parks, street lighting and transit; and
- public health and fire protection.

Prior to undertaking development in such an area, a development permit may be required.

The Act currently applies to the following areas:

- Norman Wells
- Hay River/Enterprise Corridor
- Mackenzie Highway
- Dempster Highway
- Yellowknife Watershed and Ingraham Trail
- Inuvik Watershed
- Resolute Bay
- Nanisivik

## COMMISSIONER'S LAND ACT

**GENERAL DESCRIPTION**

The Commissioner's Land Act concerns lands in the NWT, subject to the control of the Commissioner.

This Act applies to:

- lands acquired by the NWT with Territorial funds before or after the Act came into force;
- public lands, where the administration has been transferred by the Governor in Council to the NWT;
- all roads, streets, lands and trails on public lands; and
- lands acquired by the NWT pursuant to tax sale proceedings;

but not mines or minerals under or within such lands.

**LAND USE PERMIT**

Land use permit applications are reviewed and issued under guidelines and with conditions or restrictions similar to permits issued by the Federal government, for work on Federal Crown land (section 5.13). Contact MACA for information on these permits. [Amendments to the Commissioner's Land Act in 1992 are expected to put the guidelines for land use permits into Regulations.]

**QUARRYING PERMIT**

Regulations authorize a land agent to issue a quarrying permit to any person applying for the removal of materials from Commissioner's Land. Applications take approximately 60 days to process. The permit will specify the quantity and type of material to be removed and the location of the proposed quarry site.

**QUARRY PERMIT FEE**

Permit fees are $50.00 with royalties of $0.25 for each cubic metre of material to be removed. Fees are payable before commencement of quarrying operations.

**QUARRY PERMIT EXPIRY**

A quarrying permit will expire when the quantity of material specified in the permit has been quarried or removed or 12 months from the date of issue, whichever is sooner.

**QUARRY PERMIT REFUND**

If during 12 months the operation did not remove all the material specified in the permit, the permittee can apply for a royalty refund for the portion of material remaining.

**EXCLUSIONS**

Any person may take, without a quarrying permit or payment of any fees or dues, not more than 40 $m^3$ of sand, gravel or stone from Commissioner's land in any year for personal use.

**QUARRYING LEASES**

Companies or individuals must apply for a lease of Commissioner's land for quarrying and taking limestone, granite, slate, marble, gypsum, marl, gravel, loam, sand, clay, volcanic ash or stone.

Boundaries of lands staked for a quarrying lease shall be rectangular unless adopting the boundary of a previously staked tract, common to both areas.

**LEASE EXPIRY**

The term of a quarrying lease shall not exceed 10 years. Where in the opinion of the Director, the lessee has complied with all terms and regulations of the quarrying lease, the Director may grant another lease for a term not exceeding 10 years, subject to such terms and conditions as deemed fit.

## PLANNING ACT

**GENERAL DESCRIPTION**

The Act provides that the council of any hamlet, village, town or city may prepare a General Plan, Zoning By-law or Development Scheme describing the manner in which development or redevelopment within municipal boundaries may best be organized or carried out. Although the General Plan or Zoning By-law has no direct authority over mining activities, a mining company should be aware of the municipality's planning policies which may control building construction and land-use through zoning by-laws.

**LAND-USE CONTROLS**

Zoning by-laws may be used to designate land-use within municipal boundaries and to require that a development permit be obtained prior to developing a specific site.

# RENEWABLE RESOURCES

Department of Energy, Mines and Petroleum Resources - November, 1991

## FOREST MANAGEMENT ACT

**GENERAL DESCRIPTION**

The Forest Management Act governs the management and proper utilization of forest resources. Regulations under the Act provide for the establishment of permits and licences for timber harvesting and mill operation, and procedures and requirements for transporting timber and reforestation.

In 1987, the administration of forest resources was devolved from DIAND to the Department of Renewable Resources, GNWT. DIAND still retains subsurface rights to forestry lands.

**PERMITS**

The Federal land-use permitting process (5.13) applies to all forestry lands. A memorandum of understanding exists between Renewable Resources and DIAND which provides for the inclusion of brush and debris clearing and timber salvage conditions in a land-use permit.

## FOREST PROTECTION ACT

**GENERAL DESCRIPTION**

The objective of the Forest Protection Act is to protect and preserve forest resources, primarily through the prevention of forest fires.

**DUTIES AND POWERS OF FOREST SUPERVISORS**

The Act provides for the appointment of Forest Supervisors whose powers include:

- specifying the quantity and type of tools, pumps, hose and other fire-fighting equipment or safety devices to be used by persons operating engines or conducting an industrial operation;
- requiring operators to dispose of inflammable material, created or accumulated, in an approved fashion and;
- specifying and directing clearance of space around the site of the operation.

The Act also calls for the appointment of Forest Officers. This work is performed by Renewable Resources Management Officers.

**REGULATIONS**

The Commissioner may make regulations as necessary regarding:

- the issue of permits;
- seasonal restrictions on burning and;
- prescribing the nature and requirements for fire prevention or fire-fighting devices.

**GENERAL PROTECTION AND PROHIBITIONS**

Every person who sets an open fire shall select a site as free from inflammable material as possible, take every reasonable precaution to prevent the fire from spreading , and shall not leave the area until the fire has been completely extinguished.

No person, after using an explosive within or close to a forest area, shall leave the vicinity without making sure that the explosive is extinguished and rendered harmless.

When and as directed by the Forest Supervisor, the owner or operator of a camp or mine shall keep the site and surroundings cleared of inflammable material.

**CLOSE SEASON**

The close season is from May 1 to September 30. During this period:

- A Permit to Burn, obtained from any forest officer, forest supervisor or local renewable resources officer, is required for outdoor fires for purposes other than cooking or warmth. The Permit to Burn must be kept at the site and be shown on the request of any forest officer.

- Industrial operations must have tools, pumps, hose and other fire-fighting appliances and equipment available, and all engines must be equipped with spark arresters.

**RESTRICTED FIRE ZONES**

The Commissioner may declare any part of the forest area to be a closed district in which case travel, work and the use of outdoor fires would be severely curtailed.

**CONSTRUCTION WITHIN NWT FOREST AREAS**

Although responsibility for forests has been devolved to the territorial government, federal land-use permits are still required for those activities outlined in the Territorial Land-Use Regulations (5.13) that may be conducted in forest areas. The land-use permits will not necessarily give fire prevention measures. The Territorial Forest Fire Centre should be contacted for information on fire prevention and land-use activities.

## WILDLIFE ACT

**GENERAL DESCRIPTION**

The NWT is divided into 10 Wildlife Management Units and 28 Wildlife Management Zones to provide a large scale geographical context for wildlife management. The Act protects wildlife from incompatible land-use and provides an area for the protection of threatened species.

**LAND-USE CONTROLS**

At present there are no land-use controls or regulations specified in the Wildlife Act or Regulations. However, the Act does provide for recommendations as to how (or whether) such activities should proceed.

# TRANSPORTATION

Department of Energy, Mines and Petroleum Resources - November, 1991

## TRANSPORTATION OF DANGEROUS GOODS



**GENERAL DESCRIPTION**

The GNWT has adopted the provisions of the federal Transportation of Dangerous Goods Act (5.18) to regulate transportation of dangerous goods on NWT highways. Highways are defined in the NWT Motor Vehicles Act as a road, place, bridge or structure whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles, and includes any road on a frozen body of water or water course or any road that can be used for only a portion of the year.

**PROHIBITIONS**

No person shall transport any dangerous goods in a vehicle on a highway unless

- all applicable prescribed safety regulations are complied with and;
- the vehicle and all containers and packaging comply with all applicable prescribed safety standards and display all applicable safety marks.

**CLASSES OF DANGEROUS GOODS**

Classes of dangerous goods under the Act include:

- Explosives, including explosives within the meaning of the Explosives Act (5.4);
- Gases; compressed, deeply refrigerated, liquified or dissolved under pressure;
- Flammable solids; substances liable to spontaneous combustion; substances that, on contact with water, emit flammable gases;
- Flammable solids; substances liable to spontaneous combustion; substances that, on contact with water, emit flammable gases;
- Oxidizing substances; organic peroxides;
- Poisonous (toxic) and infectious substances;
- Radioactive materials and prescribed substances within the meaning of the Atomic Energy Control Act (5.2);
- Corrosives; and
- Miscellaneous products, substances or organisms considered by the Commissioner to be dangerous to life, health, property or the environment when transported in a vehicle or on a highway prescribed to be included in this class.

# SAFETY AND PUBLIC SERVICES

Department of Energy, Mines and Petroleum Resources - November, 1991

**GENERAL DESCRIPTION**

The Act governs safe operations of mining and exploration activities in the NWT and provides for the appointment of a Chief Mining Inspector and Inspectors to administer the Act.

**"MINE" - A DEFINITION**

"Mine" includes:

- a surface opening, quarry or excavation in, or working of the ground for the purpose of searching for, winning, opening up, removal of, or proving any mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, quartz, limestone, bed of earth, clay, sand or gravel or;
- place where mining is or may be carried on;
- all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine and;
- any roast-yard, smelting furnace, mill, work or place used for, or in connection with crushing, reducing, smelting, refining or treating any mineral-bearing or other substances described in this paragraph, and;
- any concentrate storage and loading facility under the control of the mine manager.

**"MINING" - A DEFINITION**

"Mining" includes diamond drilling and any mode or method of working whereby soil, earth, rock, stone, quartz, clay, sand or gravel may be disturbed, removed, carted, carried, washed, sifted, crushed, roasted, smelted, refined or dealt with to obtain minerals or metals, whether the same may have been previously disturbed or not.

**DUTIES AND APPOINTMENTS**

The Act stipulates duties, appointments and rules concerning employment in and about mines:

Duties of Managers, Foremen, etc. - every mine manager, foreman, shift boss, mine captain and department head must take all reasonable measures to enforce the rules and regulations of the Act and to ensure their observance by all persons working in or about the mine or under their charge as the case may be, and all persons working in or about a mine shall take all necessary and reasonable measures to carry out their duties in accordance with those provisions of this Act and the rules and regulations under the Act that are applicable to the workers' duties.

## NWT MINING SAFETY ACT - CONTINUED

Appointment of Mine Manager and Acting Mine Manager - prior to the commencement of on-site work, the mine owner shall appoint a manager and notify the Chief Mining Inspector of the name of the manager and of any subsequent managers. The mine manager shall recommend to the owner, a person to act as a manager during the mine manager's absence who shall possess all the powers and duties of a manager under this Act.

Means to Comply - the owner shall ensure that the manager is provided with the necessary means to conduct the operation of the mine in full compliance with the Act.

Supervision by Shift Boss or Provisional Shift Boss - every person working underground or in an open pit shall be under the daily supervision of a shift boss or other official of the mine who is the holder of a shift boss certificate. Where no shift boss or person holding a shift boss certificate is available to supervise a shift, the manager of the mine, in accordance with the rules or regulations, may issue a provisional shift boss certificate for a term not exceeding 45 days.

### RULES FOR EMPLOYMENT AROUND MINES

Training - no person shall be employed in a mine unless suitably trained for the job.

Contact - mine workers who are not in frequent communication with or within sight or sound of another person, must be checked by a supervisor at intervals of not less than two hours between visits or, depending on the nature and place of the person's employment, at least three times during a shift.

Dangerous Work - the manager, or a competent person authorized by the manager, shall personally and continually supervise work involving unusual danger in an emergency situation.

Age Restrictions - no person under 16-years-old shall be employed in or about a mine. An age restriction of 18 years applies to underground work.

Hours of Work - no person shall work underground or in any capacity related to hoist operation for more than 8 hours in any consecutive 24 hours period. Exceptions may be made in case of emergency, or where no other hoist operator is available.

Refusal of Work - a worker may refuse to work where there is reason to believe that any worker's safety or health is in unusual danger. The circumstances of the refusal must be reported to the owner or supervisor who must then investigate and take steps to eliminate the danger.

**HOIST OPERATORS**

Hoist operators must be over the age of majority and hold a valid hoist operator's certificate. Trainees may operate a hoist under the direct supervision of a qualified hoist operator.

**DUST EXPOSURE OCCUPATIONS**

Employees engaged in dust exposure occupations must hold a medical certificate or miner's medical certificate valid for 12 months from the date of issue.

**OTHER HEALTH MEASURES**

Health measures also include monitoring and health testing in mines where radioactive materials exist; environmental monitoring; periodic health testing; safe disposal of mine by-products; and restrictions on the operation of diesel-powered machinery underground.

**FENCING**

Surface mines and openings on the surface to underground mines, whether abandoned or operational, must be protected to prevent inadvertent access.

**MINE PLANS**

The owner of a mine shall keep plans, on a scale acceptable to an inspector, in an up-to-date fashion of not more than 6 months last past. These plans include:

- Surface Plans showing boundaries of the mining property and all topography, infrastructure, shaft opening adits, open surface workings, diamond-drill holes, outcrops, dumps and tailings disposal sites.
- Level Plans showing all underground workings including shafts, tunnels, diamond-drill holes, dams, bulkheads and pillars.
- Vertical Mine Sections showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface including the location of the top of the bedrock, surface of the overburden and bottom and surface of any known body of water or watercourse.

## NWT MINING SAFETY ACT - CONTINUED

- Ventilation plans showing the direction and velocity of the main air currents and the location of permanent fans, ventilation doors, stoppings and connections with adjacent mines.

Upon closure of a mine, the owner shall submit up-to-date plans to an inspector within one month from the day of closure.

**HAZARDOUS SUBSTANCES**

Under the Hazardous Substances Section, provisions must be made for handling, storage, use and disposal of biological, chemical or physical agents outlined in the regulations. A manager must record occupational exposure limits to such agents and submit a summary of these records at the request of the Chief Inspector.

**ACCIDENT REPORT**

When a person is critically injured from any cause at the work place, the manager shall notify immediately an inspector and also, in the case of death, the RCMP and the Coroner.

When an accident, explosion, fire, rockburst, flood, cave-in, failure of any equipment or other incident as prescribed in the Act occurs in and about a mine site, the owner, manager or agent of a mine shall, within 24 hours after such occurrence, send written notice to an inspector.

**MINE RESCUE**

Mine rescue stations must be established, equipped, operated and maintained at such places and in such a manner as directed by the Chief Inspector.

**OPENINGS**

Every mill hole, man way or other opening in an underground mine must be securely covered, fenced off or protected by suitable barricades to prevent inadvertent access.

**ENFORCEMENT**

The Administration section of the Act identifies the duties and powers of the Chief Inspector and Mining Inspectors. Where an inspector finds that a provision of the Act or regulations is being contravened, the contravener may be ordered to comply within a specified period. If a contravention of the Act or Regulations is considered to be a hazard to the health or safety of a worker, the inspector may order the work to be stopped until the order to compliance is satisfied.

## NWT MINING SAFETY ACT - CONTINUED

**EXPLOSIVES**

Explosives kept or stored on a mine site must be used only for the purpose of the mine and must be stored in a licensed magazine. Explosive magazine permits are issued by an inspector subject to terms and conditions stated in the permit after the site of the magazine and the style of the structure have been approved.

Rules and regulations governing the handling, usage and transport of explosives are outlined in the Act.

**MINING SAFETY REGULATIONS**

The Mining Safety Regulations under the Act concern:

- Combustible gases and liquids
- Offenses and penalties for breaking regulations
- Facilities and sanitation
- Building code
- Noise levels
- First aid
- Safety equipment and procedures
- Fire safety
- Power plants
- Mobile equipment
- Cranes
- Haulage
- Blasting
- Entrances and exits
- Water and drainage
- Internal combustion engines
- Ventilation
- Shaft sinking and shaft operations
- Hoist machinery and hoisting ropes
- General provisions for underground mines
- Pits and quarries
- Exploration drilling
- Hazardous Substances

**REGULATIONS**

Current Regulations established under the Mining Safety Act include:

- Medical Certificate Regulations
- Medical Monitoring Regulations
- Mine Occupational Health and Safety Board Regulations
- Radiation Hazard Regulations
- Shift Boss and Hoist Operator's Certificate Regulations
- Nanisivik Mines Limited Regulation Suspension Regulations
- Blasting Certificate Regulations
- Environmental Monitoring Regulations

## EXPLOSIVES USE ACT

**GENERAL DESCRIPTION**

The Act applies to explosives use not covered under the Mining Safety Act. It regulates casual blasting such as that required by geophysical operations, trenching or bulk sampling, carried out on land away from mining operations.

Regulations under the Act govern:

- handling and use of explosives;
- safety procedures for blasting;
- drilling near bootlegs;
- procedures for removing misfires;
- procedures for thawing or warming explosives; and
- storage of explosives.

**PROHIBITION**

An explosives permit is required to supervise an explosion, explode or cause to be exploded any explosives in the NWT.

**EXPLOSIVES PERMIT**

Before an explosives permit is issued by an Inspector, the applicant must:

- be of at least 19 years of age;
- have a written statement from a permit holder, employer or former employer stating that the applicant has had at least six months experience as an assistant to a permit holder or other person authorized by law to explode explosives;
- pass an examination on knowledge of commercial explosives, blasting accessories and the transport, storage, handling and use of explosives.

The permit holder shall, on request by the Inspector or Deputy Inspector, produce the permit for inspection.

**TEMPORARY PERMIT**

An inspector, if satisfied that the applicant is a qualified person, may grant a temporary explosives permit valid for 90 days.

**REPORT OF ACCIDENT**

Upon injury or death caused through explosion of an explosive, the permit holder in charge, or the permit holder's employer shall immediately notify the Inspector of the incident.

**CANCELLATION OF PERMIT**

The Inspector or Deputy Inspector retains the right to cancel or suspend a permit for any reasons deemed sufficient. Any person whose permit is suspended has a right of appeal within 60 days to reinstate the permit.

## FIRE PREVENTION ACT

**GENERAL DESCRIPTION**

With respect to a mining or exploration operation, the prevention of fires above ground is covered under the regulations of the Fire Protection Act. Underground fires are governed by the Fire Safety Regulations of the Mining Safety Act (6.16).

**FIRE MARSHAL**

The Act provides for the appointment of a Fire Marshal whose chief duties include:

- investigation and inquiries respecting the cause, origin, extent and circumstances of fires;
- inspection of premises as to their fire safety standards;
- review of plans and specifications for the construction, alteration or repair of structures with a view to determining that proper precautions are taken against fire and the spread of fire; and
- advising and making recommendations to the Minister with respect to matters pertaining to fire prevention and safety.

**FIRE HAZARDS**

Where the Fire Marshal, Deputy Fire Marshal or Assistant Fire Marshal, is of the opinion that a danger to the safety of the public exists (for example, lack of fire escapes, fire extinguishers, or sprinkler systems) in any structure, they may:

- order the owner of the structure to remedy the dangerous condition in the manner and within the period of time specified in the order; or
- Order the owner of the structure or owner's agent or the occupant of the structure to close the structure to the public until the order to remedy the dangerous condition has been complied with to the satisfaction of the Fire Marshal.

**VIOLATION OF ACT**

Any person who:

- hinders or disturbs the Fire Marshal, Deputy Fire Marshal or Assistant Fire Marshal,in the performance of powers or the execution of duties; or
- violates any of the provisions of this Act or the regulations, for which violation no other provision is made,

- is guilty of an offence and liable on summary conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding one year or both.

**PROTOCOL**

- The Fire Marshal is accompanied by a Mine Safety Inspector during routine inspections and investigations on mine sites.

## Propane Cylinder Storage Regulations

**GENERAL DESCRIPTION**

The regulations specify measures to be taken for securing and disposing of propane cylinders.

**PROPANE CYLINDER SECURITY**

Propane cylinders connected to an appliance must be locked, chained or secured to the appliance by a padlocked chain or cable. Propane cylinders not connected to an appliance must be locked, chained or otherwise secured to a permanent fixture or structure, or else fenced or contained in a manner to prevent unauthorized access.

Other methods of securing propane cylinders must be approved by the Fire Marshal, Deputy Fire Marshal, Assistant Fire Marshal or local assistant including members of the RCMP. Approval must be issued in writing to the person in possession of the propane cylinder.

**DISCARD OF PROPANE CYLINDERS**

No person shall abandon or discard a propane cylinder. For disposal of propane cylinders, the cylinder must be delivered to a local assistant or refilling station designated by a Chief Inspector appointed under the **Gas Protection Act**.

## FIRE PREVENTION ACT
**Propane Cylinder Storage Regulations** 6.18.3

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## BOILER AND PRESSURE VESSELS ACT

**GENERAL DESCRIPTION**

The Act was created to control and monitor design, construction, installation, operation and repair of fired (boiler) and unfired (pressure vessel) vessels used for containing, storing, distributing, transferring, distilling, processing or other handling of pressurized gas, vapour or liquid.

**EXEMPTIONS FOR BOILERS AND PRESSURE VESSELS**

Boilers that develop less than three horsepower and pressure vessels designed at a pressure of 15 pounds or less, or having a capacity of 1.5 cubic feet or less are exempt from the regulations under the Act.

**CERTIFICATE OF APPROVAL**

Before a boiler or pressure vessel can be operated it must go through a process of design approval and inspection involving the following steps:

- the designer submits the design and specifications of the boiler to the chief inspector for approval and registration before fabrication;
- the boiler is installed;
- the installation is inspected; and
- a certificate of approval is issued to permit operation.

**REPAIRS AND DEFECTS**

No major repairs can be made to a boiler, pressure vessel or plant until the Director has been notified of the nature and extent of the repairs and the repairs have been approved by an inspector.

**WELDING OPERATORS QUALIFICATIONS**

Any person welding on boilers, pressure vessels, or pressure piping shall carry a performance qualification card issued by the Chief Boiler Inspector.

**EXPIRY**

Every welder's card expires one year from the date of issue.

**CONDEMNATION AND REMOVAL**

Where an inspector has determined that a boiler or pressure vessel cannot be operated safely, the inspector can condemn and seal it, and take possession of its certificate of inspection.

**PERIODIC INSPECTION**

The boiler, pressure vessel and plant will be inspected annually, or as prescribed in the regulations.

## BOILER AND PRESSURE VESSELS ACT - CONTINUED

**OPERATING ENGINEERS CERTIFICATE OF REGISTRATION**

Plant operating engineers must hold an appropriate certificate for the size of plant they operate.

**CERTIFICATE OF QUALIFICATION**

The Chief Boiler Inspector issues certificates of qualification to individuals who meet the requirements which are contained in the regulations. The certificates authorize the individual to take charge of and operate boilers and pressure vessels.

**RENEWAL**

Every certificate of qualification may be renewed without examination within one year of the day it expires.

**NOTIFICATION OF ACCIDENTS**

Accidents resulting from a boiler, pressure vessel, or plant failure must be reported to the Chief Boiler Inspector immediately.

**USED BOILERS, PRESSURE VESSELS OR PLANTS**

Every used boiler, pressure vessel or plant must be inspected and tested by an inspector before it is put into operation.

**NOTICE OF REMOVAL FROM OPERATION**

The Chief Boiler Inspector shall be notified when boilers and pressure vessels are permanently removed from operation for any reason.

**OFFENCE AND PENALTY**

Any person found guilty of violating this Act or the Regulation may be subject to a fine or imprisonment.

## GAS PROTECTION ACT

**GENERAL DESCRIPTION**

The rules and regulations set out in the Act govern the location, installation, condition, repair, alteration and removal of gas equipment. Any person executing gas fitting work must possess an NWT Gas Fitter Certificate and a gas installation permit outlining the type of work to be conducted.

**PERMITS**

Permits are issued upon payment of a prescribed permit fee.

When the work outlined in the permit is completed, the permit holder shall advise the Chief Inspector that the gas installation is ready to be inspected.

**INSPECTIONS**

The Act authorizes a Chief Inspector to inspect any gas installation at any time and recommend changes to the gas installation necessary to bring the installation into compliance with the Gas Regulations and applicable codes.

**NWT MINING OPERATIONS**

The Act also applies to all above and underground mine propane and gas installations which must comply with all the requirements of the CAN/CGA-B149.2 Gas Code, latest edition.

## LABOUR STANDARDS ACT



**GENERAL DESCRIPTION**

The Labour Standards Act establishes minimum conditions of employment for employees. Employers are free to provide better benefits than the Act requires, but not less than the Act sets out. Any arrangement where an employee agrees to receive less favourable benefits than the Act provides is not lawful and is of no effect.

**APPLICATION**

The Act and Regulations affect most workers and employers in the Northwest Territories. The major exceptions are federal government employees, territorial government employees, and employees working in federally-regulated industries, for example, airlines, banks and trappers.

**ADMINISTRATION**

The Labour Standards Act is administered by the Labour Standards Officer, who works with the Labour Section of Safety and Public Services, GNWT. The Labour Standards Officer is assisted in this work by Labour Standards inspectors who investigate complaints and perform inspections at work sites.

**HOURS OF WORK**

Total hours of work are eight hours per day and 40 hours per week unless a difference of hours or modified work week permit has been granted by the Labour Standards Officer. The total hours of work for an employee may not exceed 10 hours per day and 60 hours per week.

The maximum 60 hours of work may be exceeded in cases of:

- accident to machinery, equipment, plant or persons;
- urgent and essential work to be done to machinery, equipment or plant; or
- other unforseen or unpreventable circumstances;

but only to the extent necessary to prevent serious interference with ordinary working of the industrial establishment.

If employees are required to work irregular hours that result in overtime, application may be made to the Labour Standards Officer for a permit to average the hours of work.

**HOURS OF REST**

The employer must provide at least one day of rest in each week and wherever possible, that day is to be Sunday. Employees must receive a half-hour meal break, free from work, after each 5 consecutive hours of work. Where it is not practical to give such breaks, the employer must apply to the Labour Standards Officer for a waiver.

**MINIMUM WAGE**

For work along the NWT Highway System, the minimum wages are $6.50/hour for workers aged 16 and over, and $6.00/hour for workers under the age of 16. These rates apply to workers in Inuvik, Arctic Red River, Fort McPherson, Dettah, Enterprise, Fort Liard, Fort Providence, Fort Resolution, Fort Simpson, Fort Smith, Hay River Reserve No.1, Kakisa, Rae-Edzo, and Yellowknife.

The minimum rates for workers everywhere else in the NWT are $7.00/hour for workers aged 16 and over, and $6.50/hour for those under the age of 16.

**VACATIONS AND VACATION PAY**

The Act provides for 2 weeks vacation with pay for each completed year of employment upon completion of six years of employment and for each completed year of employment thereafter, an employee becomes entitles to three weeks vacation with pay.

Vacation Pay accumulates at a rate of 4% of the employees total earnings, including overtime, during the first five years of employment with the same employer, and at a rate of 6% thereafter.

Employees that quit or are laid off or fired, are entitled to receive, at that time, whatever unpaid vacation pay has accumulated.

All employees are entitled to vacation pay, no matter how briefly they may have been employed.

**TERMINATION OF EMPLOYMENT**

Employees who have worked for one employer for 90 days or more are entitled to either two weeks notice of termination of employment, or pay in place of the notice. The 90-day period may be made up of several shorter periods totalling 90 days, provided that the time between the periods of work is brief. Workers who have been with the employer for three years or more must receive one week's notice for every year of employment, up to eight weeks.

Notice, or pay in lieu of notice, is not required for seasonal part-time or construction workers. Workers discharged for just cause, and staff laid-off temporarily are also not entitled to these benefits. Similarly, workers in term positions not exceeding 365 days need not receive notice or pay in lieu of notice when their term or task ends.

When the employment of 25 or more workers is to be terminated at once, or within a four-week period, the employer must give advance notice to the Labour Standards Officer. The amount of notice required varies, depending on the number of workers to be dismissed.

## SAFETY ACT

**GENERAL DESCRIPTION**

The Act establishes safety regulations governing both employers and workers.

**DUTIES OF EMPLOYERS AND EMPLOYEES**

Employer's duties include taking reasonable precautions and adopting and carrying out reasonable techniques and procedures to ensure the safety and health of employees.

Worker's duties include taking reasonable precautions to ensure their own safety and the safety of co-workers, and as circumstances dictate, using proper protective clothing and safety equipment.

**RIGHT TO REFUSE WORK**

Workers may refuse to do any work or operate any tool, appliance, machine, device or thing that the worker believes poses unusual danger to health and safety. The worker must report the circumstances of the refusal to the employer who shall investigate the report and take appropriate action to eliminate the unusual danger.

**ACCIDENT PREVENTION**

Employers must ensure that each worker is adequately instructed in the safe performance of their duties. Every supervisor is responsible for instruction of workers under their direction and ensuring that workers perform their work without undue risk.

**PERSONS WORKING ALONE**

The employer must provide a means of checking the well-being of workers employed under conditions where, if injured, the worker may not be able to secure assistance.

**ACCIDENT REPORTING**

The employer must report all serious accidents occurring at the place of employment within 24 hours of the occurrence.

**PROTECTIVE CLOTHING**

Regulations concerning protective clothing include:

Hand Protection: Employers must ensure that workers handling materials likely to puncture, cut abrade, burn or freeze the hands, use gloves or other personal protective equipment to prevent injuries.

Eye Protection: Employers must ensure that workers exposed to or handling material that is likely to injure or irritate the eyes, or to hazards from flying objects or particles are provided with, and wear, properly fitting and adequate goggles, face shields, or other eye protection equipment.

**SAFETY ACT - CONTINUED**

Flotation: Employers shall ensure that workers exposed to the risk of drowning are provided with, and use, a flotation device with sufficient buoyancy to maintain the head above the water without any effort from the worker.

Safety Belts, body harnesses, lanyards and life-lines Employers must provide workers working at an elevation of three metres or more above grade or floor level; over a pit, shaft or operating machinery; or where a fall could result in drowning, with a separate lanyard, life-line and safety-belt or body-harness which must be worn by the worker.

**FIRST AID SERVICE REQUIREMENTS**

Employers shall ensure that first aid services and equipment are readily accessible and available to workers and that all first aid supplies and equipment are kept clean and dry at all times. Employers must complete accident reports for all workers who are injured, describing details of the accident and the measures taken.

**FIRST AID KITS**

The Act stipulates the specific requirements for first aid services and equipment, which depends on the number of employees and the travel time to fixed medical services.

**GUARDS AND PROTECTIVE DEVICES ON MACHINERY**

All machinery and equipment shall be equipped with guards that prevent workers from contacting moving parts and from entering a danger area during operation.

**MAINTENANCE OF MACHINERY AND EQUIPMENT**

No person shall oil or adjust any moving machinery if there is the possibility of contact with moving parts.

**MOBILE EQUIPMENT**

All mobile equipment must be maintained in a safe operating condition. Inspections, repairs, maintenance and modification of mobile equipment must be carried out in accordance with the manufacturer's instructions, or in the absence of such instructions, in accordance with good engineering practices. All mobile equipment must be equipped with audible warning signals, lights to illuminate the path of travel for a distance of 500 ft., adequate cab and instrument lighting and a rear-view mirror. Windshields, side and rear windows and rear-view mirrors must be maintained in a condition that provides clear vision for the operator.

**SAFETY ACT - CONTINUED**

**EXCAVATION**

All excavation work must be carried out in accordance with the specifications and requirements of a registered professional engineer, Chief Safety Officer, or person acceptable to the Chief Safety Officer.

Trees and boulders located within or close to an area to be excavated shall be removed prior to the start of excavation work.

No person shall enter any excavation over four feet in depth unless the sides of the excavation are supported or sloped to a safe angle or the person is protected by other effective means.

Where work is being carried on in an excavation, slopes must be scaled and trimmed or otherwise stabilized to prevent rock or debris slides. Overhanging banks and dangerous trees and stumps must be removed and measures must be taken to prevent dangerous erosion of slopes by surface water.

**GENERAL DESCRIPTION**

The WHMIS Regulations apply to employers and workers using, storing and handling controlled substances. Exceptions to the regulations include products, materials or substances controlled under the requirements of the both the federal and territorial Transportation of Dangerous Goods Acts (5.18 and 6.15), the Explosives Act (5.4) and the Atomic Energy Control Act (5.2), or substances packaged as a consumer products and in quantities normally used by the consuming public.

**PROHIBITION**

Employers must ensure that all applicable requirements of these regulations are complied with prior to using, storing or handling controlled substances at a work site. Notwithstanding, an employer may store a controlled product at a work site while actively seeking information required by these regulations.

**WORKER EDUCATION**

Employers must ensure that workers working with, in the proximity of, or producing controlled products are informed about all related hazard information. The workers, through the work site's accident prevention program, must also be instructed in:

- the content, purpose and significance of information required on a supplier label, material safety data sheet, and work site label;
- procedures for safely using, storing, handling and disposing of a controlled product;
- specific information needed for safely using, storing, handling and disposing of a controlled product contained or transferred in pipes, piping systems including valves, process vessels, reaction vessels, or tank cars, tank trucks, ore cars, conveyor belts or similar conveyances;
- procedures to be followed where fugitive emissions are present; and
- procedures to be followed in case of an emergency involving a controlled product.

The employer must ensure that education programs result in the worker's ability to apply information as needed to protect health and safety. The employer must annually, or more often if appropriate, review training and instruction provided to workers about controlled products.

**LABELS**

Employers must ensure that controlled products are appropriately labelled, as specified by the regulations, with the supplier label, work site label, placard identifier, or laboratory label.

**WORK SITE LABELS FOR DECANTED PRODUCTS**

Controlled products may be placed directly into a portable container that is clearly identified, under the control of and used exclusively by the worker who filled the container, and used immediately or during the shift in which the portable container was

filled.

**IDENTIFICATION OF A CONTROLLED PRODUCT IN PIPING SYSTEMS AND VESSELS**

Employers must ensure that controlled products contained or transferred in pipes, a piping system including valves, a process vessel, a reaction vessel, or a tank car, tank truck, ore car, conveyor belt or similar conveyance, are safely used, stored and handled through worker education and the use of colour coding, labels, placards or any other mode of identification.

**MATERIAL SAFETY SHEETS**

Employers who acquire a controlled product from a supplier must obtain a supplier material safety data sheet for the controlled product, and if the sheet is three years old, ensure that an up-to-date sheet is obtained from the supplier, or that new hazard information applicable to the controlled product is added to the sheet. The employer may supply material safety data sheets in a format different from that provided by the supplier if the sheets contain no less content than the supplier material safety data sheet, and the supplier sheet is still kept available at the work site.

**EMPLOYER MATERIAL SAFETY SHEETS**

Employers producing controlled products must prepare a material safety data sheet which must be updated as soon as is practicable, but no less that 90 days after a new hazard information becomes available to the employer.

## WORKERS' COMPENSATION ACT



**GENERAL DESCRIPTION**

The qualifying condition for entitlement to workers' compensation benefits is employment within an industry at the time of the injury. A worker who is injured by accident arising out of, and during the course of employment, is entitled to compensation. When a worker dies as a result of an accident arising out of and during the course of employment, compensation benefits are paid to the worker's dependents. When disability or death is caused by an industrial disease that is due to the nature of the employment, the disease is treated as the happening of an accident.

**WORKERS' COMPENSATION BOARD**

The Act establishes an autonomous Board of Directors to administer workers' compensation in the NWT. The Act also provides for an Appeals Tribunal with exclusive jurisdiction to examine, inquire, hear and determine all appeals from workers and employers.

**ACCIDENT FUND**

All employers engaged in exploration and mining operations, from the initial stages of prospecting to development work and finally the abandonment phase, must contribute to the Accident Fund from which all expenditures under the Act are met.

All costs of compensation are raised by assessments on employers. Industries are divided into classes or groups according to risk. The prescribed rate is applied to the employer's payroll and reflect the accident experience of the group or class.

**NOTIFICATION OF ACCIDENT**

Where an employee dies, is disabled or requires medical aid as the result of an accident, the employer must report the accident within three days of it's occurrence.

# 7. GLOSSARY OF ACRONYMS

Department of Energy, Mines and Petroleum Resources - November, 1991

## Glossary of Acronyms

| | |
|---|---|
| AECB | Atomic Energy Control Board (Federal) |
| CEIC | Canadian Employment and Immigration Centre (Federal) |
| CEPA | Canadian Environmental Protection Act (Federal) |
| DFO | Department of Fisheries and Oceans (Federal) |
| DIAND | Department of Indian Affairs and Northern Development (Federal) |
| DIZ | Development Impact Zone (GNWT) |
| EARP | Environmental Assessment Review Process (Federal) |
| EIRB | Environmental Impact Review Board (Inuvialuit) |
| EIS | Environmental Impact Statement (Federal Requirement) |
| EISC | Environmental Impact Screening Committee (Inuvialuit) |
| EMR | Energy, Mines and Resources (Federal) |
| EPS | Environmental Protection Service (Federal) |
| FEARO | Federal Environmental Assessment Review Office |
| GNWT | Government of the Northwest Territories |
| I & I | Indian and Inuit Affairs (DIAND) |
| IFA | Inuvialuit Final Agreement (Federal-Inuvialuit) |
| ILA | Inuvialuit Lands Adminstration (Inuvialuit) |
| LAC | Lands Advisory Committee (Federal) |
| MACA | Municipal and Community Affairs (GNWT) |
| MMLER | Metal Mining Liquid Effluent Regulations (Federal) |
| NAPEGG | NWT Association of Professional Engineers, Geologists and Geophysicists |
| NWA | National Wildlife Areas |
| PUB | Public Utilities Board |
| RERC | Regional Environmental Review Committee (Federal) |
| WHMIS | Work Site Hazardous Materials Information System |

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